

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

Docket No. 98-AFC-1

Application for Certification of
the Pittsburg District Energy
Facility

_____ /

Afternoon Session

65 Civic Avenue

Pittsburg, California

Evening Session

250 School Street

Pittsburg, California

Reporter's Transcript

May 3, 1999

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Reported By: Keli Rutherford, CSR No. 10084

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APPEARANCES

Commissioners Present:

David A. Rohy, Ph.D.

Michal Moore

Staff Present:

Susan Gefter, Hearing Officer

For the Staff of the Commission:

Dick Ratliff

Lorraine White

For the Applicant:

Allan Thompson, Attorney at Law

Samuel L. Wehn, Enron Capital & Trade Resources Corp.

C.J. Patch, III, Patch Incorporated

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1 P R O C E E D I N G S

2 MONDAY, MAY 3, 1999, PITTSBURG, CALIFORNIA, 1:18 p.m.

3 HEARING OFFICER GEFTER: Let's go on the record.

4 This is a continuation of evidentiary hearings on the
5 Pittsburg District Energy Facility proposed by Enron. We're
6 here to conduct evidentiary hearings. Before we begin we'd
7 like to introduce the committee and ask the parties to
8 identify themselves for the record.

9 The committee consists of vice chair David Rohy, who
10 is presiding member; Commissioner Michael Moore; Bob Eller,
11 who is Vice Chair Rohy's advisor; and Sean Pittard, who is
12 Commissioner Moore's advisor. I'm Susan Gefter. I'm the
13 hearing officer for this project.

14 I ask the applicant to introduce themselves for the
15 record.

16 MR. THOMPSON: Thank you. My name is Allan Thompson
17 representing Enron, and seated at the table with me is
18 Mr. Robert Ray, who is lead environmental, URS Greiner
19 Woodward-Clyde, applicant's environmental consultants.
20 Mr. Sam Wehn will show up here this afternoon. He's on the
21 phone regarding offsets and is here in spirit. And in the
22 audience we have various witnesses who are scheduled for
23 today.

24 HEARING OFFICER GEFTER: Thank you. Staff, could you
25 introduce yourselves, please?

26 MS. WHITE: Lorraine White. I'm the project manager

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1 coordinating staff's analysis of the proposed Pittsburgh
2 District Energy Facility. We also have present staff who
3 will be providing testimony.

4 MR. RATLIFF: Dick Ratliff, counsel to staff.

5 HEARING OFFICER GEFTER: Do we have any
6 representatives from CURE her today? From the CAP-IT
7 organizations? From city of Antioch? From Delta Energy
8 Center?

9 Come on forward and state your name for the record,
10 please.

11 MR. BUCHANAN: Doug Buchanan, Delta Energy Center.

12 HEARING OFFICER GEFTER: Thank you. Do we have
13 representatives of any of the local agencies here? City of
14 Pittsburgh?

15 Please come on up.

16 MR. DUNBAR: Gerry Dunbar, director of economic
17 development for the city of Pittsburgh.

18 HEARING OFFICER GEFTER: Thank you. Is there anyone
19 here from the Bay Area Air District? From the Delta Diablo
20 Waste Water?

21 MR. CAUSEY: Paul Causey, general manager, Delta
22 Diablo Sanitation District.

23 HEARING OFFICER GEFTER: From California ISO?

24 MR. MACKIN: Peter Mackin, California ISO.

25 HEARING OFFICER GEFTER: Thank you. Also our public
26 advisor is here Roberta Mendonsa sitting in the back, and if

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1 anyone has any questions on how to participate in this
2 proceeding, please see her at some time during the hearing.

3 Are there any members of the public here today who
4 would like to introduce themselves?

5 The agenda for today is four different areas. First
6 we're going to take Transmission System Engineering, then
7 Transmission Line Safety and Nuisance, Waste Management, and
8 Hazardous Materials Management. Then we will adjourn and
9 reconvene again at 6:00 p.m. for additional topics.

10 We'd like to begin now with Transmission System
11 Engineering and ask the applicant to present their witness.

12 MR. THOMPSON: If it's acceptable to the committee, I
13 would like to present a witness before that area. Late last
14 week the committee asked for a map which clearly delineated
15 applicant's preferred linear routes and Woodward-Clyde again
16 did a yeoman's job over the weekend producing such a map.

17 We have distributed copies to the committee and
18 staff, and we have a couple copies up here at the table. I
19 have been informed that it is today being filed to the
20 service list, and for some reason, it doesn't make it today,
21 it will certainly make it tomorrow, and we have an oversized
22 copy behind me.

23 And I would like, with your permission, to put on
24 Mr. Robert Ray to explain what I would ask that be labeled
25 the next exhibit in order, which I believe is 39.

26 HEARING OFFICER GEFTER: Correct. Exhibit 39, yes.

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1 The applicant's map of its preferred linear routes will be
2 marked Exhibit 39.

3 MR. THOMPSON: Thank you. Mr. Robert Ray has been
4 previously sworn.

5 BY MR. THOMPSON:

6 Q. Mr. Ray, will you please describe this document and
7 what is contained in this document?

8 A. Yes, I will. This is a map 3.2-1 from the AFC, and
9 what this map shows is the routes that are proposed. What
10 we have done is removed all of the alternative routes off of
11 the map, and we have gone ahead and color-coded it. This
12 map -- all the routes that are shown on this map were routes
13 that were shown in the 12/07/98 AFC supplement, which is
14 Exhibit 7.

15 And now I'll go ahead and walk through the routes for
16 the record so that we can make it clear what are the
17 proposed routes.

18 The first route that's shown on the map is the
19 proposed 115 kV interconnect line to the Pittsburg Power
20 Plant substation. It's shown in yellow. It's the same as
21 Route 10 in the 12/98 AFC supplement, and it's designated as
22 segment AF-AG-AH-AE.

23 There's one minor correction to this route that's not
24 demonstrated on this map. It's a change near point AH to
25 route the line around the Delta Diablo Sanitation District
26 lift station, I understand. It should come up the west side

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1 of the lift station and then traverse the left side of the
2 lift station.

3 So near point AH there would be a little jog that's
4 not indicated on this map. It's difficult to demonstrate at
5 this scale; however, there has been a map that has been
6 previously docketed by the project engineer that shows the
7 exact routing of this transmission line, so it is part of
8 the record.

9 The next route that's shown to map is shown in blue,
10 and that's the proposed reclaimed water supply and water
11 return lines that would connect the facility to the Delta
12 Diablo Sanitation District. They initiate at point AF on
13 the map and proceed AF-AJ-H-P-S-U-V. And that constitutes
14 Route 11 as analyzed in the 12/98 AFC supplement, plus
15 segments H-P-S-U-V of Route 4 as analyzed in the December
16 '98 AFC supplement.

17 The next route on the map is the proposed fuel gas
18 line that's shown in an orange-brown color on the map. I'm
19 a little bit color challenged. That's the best description
20 I can give you of it. That's Route 11, plus segments
21 H-P-Q-U-W-X of Route 6 in the 12/98 AFC supplement.

22 HEARING OFFICER GEFTER: That's confusing. I thought
23 you had said a previous blue line was Route 11. Now you are
24 saying the orange line is --

25 THE WITNESS: Actually, Route 11 is segments AF-AJ-H,
26 and that actually corresponds to multiple pipeline routes

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1 that start out near the southwest corner of the power plant
2 site.

3 The next route on here is the proposed truck bypass
4 road that's designated as segments AA-BB. There's no
5 change. That is as shown or as analyzed in the 12/98 AFC
6 supplement.

7 The next route is the proposed 115 kV transmission
8 line interconnect to the USS/POSCO facility. That's shown
9 in green, and it is designated as segments AF-AJ-H-I-J-K.
10 That's Route 11 as analyzed in the 12/98 AFC supplement
11 again, plus segments H-I-J-K of Route 2 in the 12/98 AFC
12 supplement as per the legend on the map.

13 The next route is the proposed steam line to
14 USS/POSCO. That's shown in pink. It's the same as Route 3
15 as analyzed in the 12/98 AFC supplement.

16 The next routes are the proposed sanitary sewer and
17 potable waterlines. Those are the same as Route 7 as
18 analyzed in the 12/98 AFC supplement. I believe they are
19 also shown in pink on this map, designated as segments A-Y.

20 The final route on the map is the proposed storm
21 drain discharge through the existing twenty-four-inch drain.
22 That's the same as Route 8 as analyzed in the 12/98 AFC
23 supplement. That's also designated as A-Z. The portion A-Z
24 is an existing storm drain. We would tie in at point A.
25 That concludes my description.

26 MR. THOMPSON: Mr. Ray is tendered for

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1 cross-examination on the map.

2 HEARING OFFICER GEFTER: Staff have any

3 cross-examination on the map?

4 MR. RATLIFF: No.

5 HEARING OFFICER GEFTER: Does committee?

6 COMMISSIONER ROHY: I would like to thank the

7 applicant for putting this on one piece of paper. It's very

8 helpful to me.

9 HEARING OFFICER GEFTER: Any other comments from the

10 committee?

11 Thank you very much. This will -- do you want to

12 move the exhibit in?

13 MR. THOMPSON: Yes. I'd like to move Exhibit 39 into

14 evidence.

15 HEARING OFFICER GEFTER: Any objection from staff?

16 Hearing none Exhibit 39 is admitted into the record.

17 MR. THOMPSON: Call Mr. Joe Patch for Transmission

18 Engineering, our next subject. Mr. Patch has been

19 previously sworn.

20 (Pause in proceeding.)

21 BY MR. THOMPSON:

22 Q. Please state your name for the record.

23 A. Joe Patch.

24 Q. Are you the same Joe Patch who has testified

25 previously in this proceed?

26 A. Yes.

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1 Q. Are you the same Joe Patch whose prepared testimony
2 has been identified as part of Exhibit 30 to this
3 proceeding?

4 A. Yes.

5 Q. Today you are testifying, first, on Transmission
6 System Engineering and sponsoring Exhibit 1 1-3.5 and
7 Appendix O, Exhibit 2, which are applicant's responses to
8 staff's data request, 2-Transmission line safety,
9 NUISANCE-2, Exhibit 6, PG&E facility study, Exhibit 11,
10 Transmission Interconnection Drawings, Exhibit 22, which is
11 labeled drawings 9771-2046, and finally Exhibit 24, which is
12 an ISO letter dated March 22, '99; is that correct?

13 A. Yes.

14 Q. Do you have any corrections, additions, or deletions
15 to make to your material?

16 A. No.

17 Q. Would you please briefly summarize the Transmission
18 System Engineering material for the record.

19 A. Yes. The transmission system engineering section is
20 made up of the description of the -- both of the double
21 circuit V from the PDEF power facility switchyard to the
22 Pittsburg Power Plant 115 kV bus.

23 Currently that's proposed as a 115 overhead going to
24 an underground down 8th Street, back above the ground to the
25 northwest corner of the Diablo lift station, where it goes
26 into the Pittsburg Power Plant going into the 115 kV bus.

1 The -- Posco is also 115 kV. It comes out of the
2 same southwest corner of the switchyard of the plant, finds
3 its way down the route that has been previously described
4 down to two substations currently existing at Posco. All
5 the transmission system here will be done at a 115 kV.

6 In terms of the studies that were conducted in
7 section four on EMF analysis, and EMF analysis has been
8 performed and docketed, the results of that analysis have
9 shown that the levels of electrical and magnetic forces are
10 less than states who do have standards proposed at two
11 hundred millegauss. We're below that standard.

12 In terms of the pole heights, there has been an
13 adjustment made and has been docketed. All transmission
14 line poles are now seventy-five feet high. Drawings 2044
15 and 2046, which were previously submitted and docketed to
16 the Commission back on April 8th, show the detail of the
17 transition structure as the transition structure sits
18 adjacent to Harbor at 8th Street, the east side, as well as
19 the transmission structure that's located on the west side
20 of the Delta Diablo lift station and the screening that was
21 proposed to accommodate the visuals.

22 That completes my testimony.

23 MR. THOMPSON: Thank you very much. Mr. Patch is
24 tendered for cross-examination in the area of Transmission
25 System Engineering.

26 HEARING OFFICER GEFTER: Staff have any questions of

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1 the witness?

2 MR. RATLIFF: Yes.

3 BY MR. RATLIFF:

4 Q. Mr. Patch, I'm talking now about designation AH on

5 the map, the transmission line.

6 HEARING OFFICER GEFTER: Referring to Exhibit 39?

7 MR. RATLIFF: Of Exhibit 39, yes.

8 BY MR. RATLIFF:

9 Q. I think you have previously filed in this case a

10 description of the exact configuration of the line at that

11 point; is that correct?

12 A. Yes, we have.

13 Q. Could you describe it briefly for the committee what

14 the transmission line does at point AH?

15 A. If I can, a detailed at point AH would be slightly to

16 the east of AH. There's an existing Delta Diablo lift

17 station. What we have done in a detailed submittal is on

18 the east side of existing fence line, we have turned what

19 shows to be reasonably westerly direction to point AH, we

20 have turned and gone north parallel to the existing east

21 fence line, turned and gone west paralleling the north fence

22 line of the existing pump station.

23 At that location we come above ground. That's where

24 the transmission structure is located. Then behind that

25 transition structure roughly a hundred to a hundred and

26 fifty feet will be the first pole that collects the lines as

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1 they come above ground through the transition structure, go
2 up on the seventy-five-foot poles and walk on what was the
3 original alignment we've shown for this route since the
4 original submittal of the AFC. And that brings us into the
5 115 kV bus.

6 Q. Would that look like roughly a square angle around
7 the corner there?

8 A. Yes, yes.

9 Q. Which would be, maybe, quarter inch by quarter inch
10 deviating from that --

11 A. On this scale no larger than a quarter inch, probably
12 around an eighth of an inch, at this scale.

13 MR. RATLIFF: Okay. Thank you. I have no other
14 questions.

15 HEARING OFFICER GEFTER: Committee?

16 COMMISSIONER ROHY: Just a clarification question.

17 BY COMMISSIONER ROHY:

18 Q. Mr. Patch, the underground section is the section,
19 then, from AH to AG on Exhibit 39?

20 A. Yes. Yes, it is.

21 Q. And the rest of the system, then, is on a
22 seventy-five-foot towers?

23 A. Yes, sir.

24 Q. And how deep is the line buried underground?

25 A. The cross section we have shown shows six foot six
26 inches.

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1 COMMISSIONER ROHY: Thank you.

2 HEARING OFFICER GEFTER: Any other questions from the
3 committee?

4 BY HEARING OFFICER GEFTER:

5 Q. With respect to the seventy-five-foot towers, do you
6 -- is it necessary now for Enron to install more towers due
7 to the sag of the line from the lower towers?

8 A. Yes. We had briefly addressed that prior. On the
9 east side there will be one additional tower we believe.

10 Q. On the east side of --

11 A. If we come back to Exhibit 39 between AF and AG there
12 will be one additional tower required. In between AH and E
13 there will be two additional towers required. That's based
14 on the preliminary layouts we have shown and docketed
15 previously.

16 Q. This is additional towers more than we are showing in
17 the December '98 filing?

18 A. Yes. Originally there were -- between AF and AG
19 there was one tower at the angle point and then one tower
20 just prior to the transition structure. Those two will
21 increase to three, we believe, in the preliminary layouts.
22 That's on the east side between AH and AG.

23 AH and AE we had three -- I believe three of the
24 taller towers shown, the poles shown, and that will be five.
25 I believe that will be five.

26 Q. So the total would now be eight towers above ground?

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1 A. Five, six, seven, eight, yes.

2 Q. And is there any difference in terms of your
3 measurement of the EMF compared with the taller towers and
4 now the proposed seventy-five-foot towers?

5 A. We have not seen any adjustments. We haven't seen
6 any need to maintain the large distances above ground.

7 Q. Exhibit 6 of applicant's exhibits is PG&E's
8 preliminary facilities study which was filed on December
9 4th, I believe.

10 What is the date that you can anticipate that the
11 final facility study will be available from PG&E?

12 A. There is currently -- PG&E is currently in the
13 process of performing the Detailed Facility Study. The
14 completion of that study, which includes the load flow
15 analysis, along with the transient's disability and ground
16 fault analysis is due May 30th.

17 Currently the load flow analysis has been presented.
18 PG&E has issued that separate and part, and that was done, I
19 believe, on April 15th. That analysis was conducted and has
20 been issued.

21 Q. So you expect a Detailed Facility Study to be issued
22 on May 30th?

23 A. Yes.

24 Q. There was a document filed by PG&E that we have a
25 copy of in our docket dated February 22nd called Detailed
26 Facility Study plan.

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1 Are you familiar with that document?

2 A. Not by that title.

3 Q. It's a draft. My question goes to, you know, what is
4 the -- how does this document fit into the process? Is this
5 something that was filed by Enron and given to PG&E or
6 something PG&E submitted to the Enron?

7 A. There were meetings back and forth developing the
8 scope of the Detailed Facility Study, and in this last
9 meeting was the scope of the Detailed Facility Study was
10 agreed to. The dates for production of information in the
11 process, particularly the initial load flow analysis, was
12 agreed to that. And then that was reissued by PG&E. That
13 required that the initial analysis and Detailed Facility
14 Study be issued by April 15th, which it has been. The end
15 of last week in a conversation with PG&E they are on track
16 and will issue the complete study on the 13th.

17 Q. And how long do you understand that Detailed Facility
18 Study to be valid once it's issued by PG&E?

19 A. I don't think I can give you a correct answer. I've
20 heard several time frames, several periods. At this point
21 I'm not sure.

22 HEARING OFFICER GEFTER: Do you have any redirect for
23 the applicant?

24 (Discussion off the record.)

25 MR. THOMPSON: No.

26 HEARING OFFICER GEFTER: Any comments from the

1 committee?

2 BY COMMISSIONER ROHY:

3 Q. Just had a -- I'm not a power engineer, so excuse my
4 ignorance here, but the Exhibit 39 shows a hundred and
5 fifteen kV line coming in from the east to USS/POSCO
6 somewhere around point K, which is the terminus of the
7 proposed line from the Pittsburgh District Power Plant.

8 A. Yes.

9 Q. Will that line, that existing line, be deactivated,
10 or will there -- is it connected in some type of loop?

11 A. It is a loop off of the north/south line. We can
12 stay on Exhibit 39, Commissioner.

13 Q. Yes.

14 A. Just above the T where you just referenced existing
15 thirty-two Columbia steel 115 kV transmission. PG&E has
16 looped off of that line in two places. The loop you just
17 indicated shows that the dashed line has, we believe, other
18 loads being served on that line. There are some downloads
19 in the server.

20 Once the connection is made by PDEF to that
21 substation, there would no longer be a need for that line to
22 exist and tie into the Posco. That's called the Columbia
23 Steel substation at Posco. There would no longer be a need
24 for that 115 line to tie into that substation, but we would
25 -- our expectations are since there are other loads being
26 served off that line, it would be maintained by PG&E.

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1 Q. Let me ask my question a different way.

2 What's the plan of the Pittsburgh District Energy

3 Facility for that line? To leave it in place? To change

4 it? What is your plan?

5 A. Other than basically removing the tap that ties that

6 line on the three breakers that exist in that substation, we

7 don't have any plan. That line is owned by and controlled

8 by PG&E, so it's really a PG&E decision.

9 COMMISSIONER ROHY: Thank you.

10 HEARING OFFICER GEFTER: Any more questions of the

11 witness from any party?

12 MR. THOMPSON: None from applicant.

13 HEARING OFFICER GEFTER: Thank you. Staff can

14 present its witness now.

15 MR. RATLIFF: Staff has two witnesses, the staff

16 witness and the witness from ISO, Mr. Peter Mackin. We

17 discussed having them both come forward and then having them

18 testify sequentially and have the committee ask questions to

19 -- address them to whichever of the witnesses they choose.

20 HEARING OFFICER GEFTER: That would be fine. If the

21 witnesses would present their testimonies individually and

22 be available for questions as a panel.

23 MR. RATLIFF: Staff witness is Ean O'Neill and the

24 ISO witness is Peter Mackin.

25 HEARING OFFICER GEFTER: Off the record for a minute.

26 (Discussion off the record.)

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1 HEARING OFFICER GEFTER: Back on the record. We need
2 to swear the witnesses.

3 (Witnesses sworn.)

4 BY MR. RATLIFF:

5 Q. Miss O'Neill, did you prepare the staff testimony
6 entitled Transmission System Engineering, Exhibit 28?

7 A. Yes, I did.

8 Q. Did you prepare the one-page supplemental testimony
9 to this testimony in Exhibit 29 of the same title?

10 A. Is that the errata testimony?

11 Q. The supplemental testimony.

12 A. Yes, I did.

13 Q. Is that testimony true and complete to the best of
14 your knowledge?

15 A. Yes, it is.

16 Q. Do you have any changes you want to make to it?

17 A. No, I do not.

18 Q. Can you summarize it briefly?

19 A. I don't know about briefly, but I will summarize it.

20 HEARING OFFICER GEFTER: Could you speak right into
21 the mike?

22 (Discussion off the record.)

23 THE WITNESS: Staff's analysis includes the
24 engineering and planning design of a project's proposed
25 transmission facilities and ensures that these facilities
26 will be designed, constructed, and operated in compliance

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1 with all the applicable laws, ordinances, regulations, and
2 standards.

3 The transmission facilities that are analyzed in the
4 transmission systems engineering discipline include the
5 power plant switchyard, the transmission outlet line,
6 connection to the grid, and any portion of the utilities'
7 transmission system that are significantly impacted as a
8 result of the project connecting to the grid.

9 The applicable laws, ordinances, regulations, and
10 standards for the design and construction of the
11 transmission facilities include the California Public
12 Utility Commission's General Order 95, which is the overhead
13 construction; California Public Utility Commission General
14 Order 128, which is the underground construction; and the
15 California Public Utility Commission's Rule 21, which is the
16 interconnection requirements for non-utility-owned parallel
17 generation plants.

18 There's a set of applicable laws, ordinances,
19 regulations, and standards that pertain to the
20 interconnection and operation of a power plant, and those
21 include the Western Systems Coordinating Council's
22 Reliability Criteria, the North American Electric
23 Reliability Council Planning Standards, the California
24 Independent System Operator's Reliability Criteria, and the
25 California Independent System Operator's Scheduling
26 Protocols and Dispatch Protocols.

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1 Now, the Pittsburgh District Energy Facility project
2 is a combined cycle generating power plant with a nominal
3 electrical output of five hundred megawatts.

4 For this project the applicant will construct a 115
5 kV switchyard, approximately two miles of combination
6 overhead/underground 115 kV double circuit transmission line
7 that will interconnect to the existing 115 kV switchyard at
8 the Pittsburgh Power Plant. The overhead construction will
9 be constructed on seventy-five-foot steel tubular poles as
10 outlined in my errata testimony. Each circuit will have at
11 least five hundred twenty-five megawatts of capacity.

12 The applicant will also construct approximately 1.2
13 miles of overhead single circuit 115 kV transmission line,
14 which will also be constructed on seventy-five-foot steel
15 tubular poles and interconnect into the two USS/POSCO
16 substations on that line; will provide up to sixty megawatts
17 of power for that customer, and the remainder of power
18 generated will be sold into the market via the connection
19 into the Pittsburgh Power Plant.

20 Staff has evaluated the Pittsburgh District's Energy
21 Facility AFC and all other supplemental testimony and
22 concluded the following: That the project switchyard, the
23 outlet line, and the termination facilities at the existing
24 Pittsburgh Power Plant will be constructed in accordance with
25 the California Public Utility Commission General Order 95,
26 128 and Rule 21. And to further ensure this compliance,

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1 staff recommends conditions of certifications TSE 1 through
2 3.

3 Staff has also concluded that in the event of a
4 permanent facility closure, California Public Utility
5 Commission General Order 95 that requires that "lines or
6 portions of lines permanently abandoned shall be removed by
7 their owners so that such lines shall not become a public
8 nuisance or hazard to life or property." To further ensure
9 this condition of certification TSE-1c.

10 Now, there are two outstanding issues that have not
11 been resolved at this time. Issue one pertains to the
12 completion of the Detailed Facility Study. This is required
13 in order for the California Independent System Operator to
14 grant final interconnection approval of the Pittsburg
15 District Energy Facility to the CAL ISO grid.

16 Presently the proposed schedule for PG&E to complete
17 this study is May 30th of this year. A finalized report is
18 expected around July 15th of this year. The CAL ISO will
19 then have fifteen days to review and approve or require any
20 additional studies, so at the earliest possible date this
21 study will be completed and approved by the CAL ISO is July
22 30th of this year.

23 In the meantime, a Preliminary Facility Study has
24 been completed and the additional analysis that the CAL ISO
25 has requested from PG&E. CAL ISO has reviewed this
26 Preliminary Facilities Study. In that study the reliability

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1 and congestion impacts have been identified, and based on
2 this study, the CAL ISO has granted preliminary approval of
3 the Pittsburgh District Energy Facility's interconnection to
4 the CAL ISO grid. Both staff and the CAL ISO do not
5 anticipate that the Detailed Facility Study will identify
6 any additional reliability or congestion impacts that the
7 applicant will be responsible for mitigating.

8 Therefore, staff has recommended condition of
9 certification TSE-1g that will ensure three things. First,
10 that the Detailed Facility Study is completed by PG&E for
11 the applicant, that it will be reviewed and approved by the
12 CAL ISO, and that an interconnection agreement between
13 applicant and PG&E are secured.

14 Staff does not believe that there is a timing problem
15 with the Energy Commission licensing this project prior to
16 the completion and approval of the Detailed Facility Study.
17 Without a Detailed Facility Study, interconnection to the
18 CAL ISO grid cannot be approved, and therefore, the Energy
19 Commission's license would be of no use to the applicant.

20 Therefore, staff believes that TSE-1g addresses any
21 concerns regarding the completion and final approval of the
22 Detailed Facility Study by the CAL ISO in order for the
23 Pittsburgh District Energy Facility project to interconnect
24 to the grid after an opinion has already been rendered by
25 the Energy Commission.

26 The second issue pertains to the congestion impacts

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1 and the fact that the CAL ISO's congestion impact
2 methodology will not be finalized in time to identify what,
3 if any, downstream facility upgrades would be required of
4 the applicant in order to interconnect to the grid.

5 In the Preliminary Facility Study, there have been
6 seventeen overloaded lines that have been identified. These
7 are considered congestion impacts, and its important to
8 identify the difference between congestion impacts versus
9 reliability impacts.

10 Congestion impacts pertain to facilities that become
11 overloaded as a function of the Pittsburgh District Energy
12 Facility's output, whereas reliability impacts are all other
13 criteria violations that occur as a result of the Pittsburgh
14 District Energy Facility connecting to the CAL ISO grid.

15 The reliability impacts that the applicant is
16 responsible for as a result of the Preliminary Facilities
17 Study they will be responsible for replacing one breaker at
18 the Linde substation and three breakers at the Clayton
19 substation, and this is written up in my errata testimony.

20 Currently the CAL ISO is in the process of
21 determining how congestion impacts will be handled as new
22 generators connect to the CAL ISO grid. Since my testimony
23 was written, the CAL ISO governing board, on March 25th,
24 approved the Advanced Congestion Cost Mitigation
25 Methodology. This methodology will require new generators
26 connecting to the CAL ISO grid to mitigate congestion

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1 impacts it causes as a result of its interconnection.

2 Final implementation of this methodology will require
3 the Federal Energy Regulatory Commission's approval. At
4 this time the CAL ISO is writing up tariff changes, and the
5 anticipated date they will be filing this with FERC is on
6 June 1st of this year. FERC will then have a minimum of
7 sixty days to approve these tariff changes, barring any
8 objections by the marketing participants. So the earliest
9 date this methodology could be fully implemented is August
10 1st of this year.

11 Once this is approved, then Pittsburgh District Energy
12 Facility proponents and PG&E, in consultation with the CAL
13 ISO, will decide upon a set of mitigation options. This is
14 mitigation of the congestion impacts, and then the
15 proponents will then choose one of these options. There's
16 three options they will be able to choose from. It can be
17 one or a combination of the options.

18 The first option is upgrading overloaded facilities.
19 And an example of this is reconductoring a transmission
20 line. The second one is remedial action schemes, such as
21 tripping a generation unit off line automatically once a
22 fault occurs. Then the third one is congestion management.
23 This is when an applicant agrees in advance to reduce
24 generation before congestion occurs.

25 Because of the time frame I just outlined, as far as
26 Advanced Congestion Cost Methodology being approved August

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1 1st, any potential downstream facility upgrades for the
2 Pittsburgh District Energy Facility project could not be
3 identified any earlier than August, which is after the July
4 28th 1999, date when the Commission considers its proposed
5 decision.

6 Staff does not recommend that the proceedings be held
7 up in anticipation that any downstream facility upgrades
8 will be identified.

9 Besides the methodology that still has to be
10 implemented by FERC and the CAL ISO, there are three other
11 factors that add to the speculative nature of what
12 downstream facilities might have to be upgraded.

13 The first one is the Delta Energy Center project,
14 which is currently going through RAF process. They impact
15 some of the same lines that the Pittsburgh District Energy
16 Facility project does. The second is sensitivity tests have
17 been run showing the additional Bay Area projects that are
18 coming in on the South Bay. Many of those projects they
19 eliminate many of the overloaded lines due to the Pittsburgh
20 District Energy Facility project. And the third one is
21 PG&E's 1998 Transmission Assessment. They show, due to low
22 growth, that some of the same lines become overloaded. And
23 the question is: Who would be responsible for upgrading
24 those lines? Would it be PG&E or would it be Pittsburgh?

25 Therefore, staff does not believe any downstream
26 facility upgrades can be confidently identified at this

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1 time. But in the event that downstream facility upgrades
2 are chosen by the applicant, the environmental acceptability
3 of such facilities may be determined in the CPUC's siting
4 process or by local agencies, therefore ensuring compliance
5 with CEQA.

6 In my cumulative impacts section I covered the same
7 issues trying to identify downstream facility upgrades with
8 both Pittsburgh and the Delta Energy Center project
9 connecting to the Pittsburgh Power Plant, and I reached the
10 same conclusion that there's insufficient information to
11 confidently identify downstream facility upgrades.

12 So in conclusion, the Pittsburgh District Energy
13 Facility will be designed, constructed, and operated in
14 compliance with all the applicable laws, ordinances,
15 regulations, and standards, and to further ensure this
16 compliance, staff recommends conditions of certifications
17 TSE-1 through 3.

18 The applicant will mitigate any reliability impacts
19 caused due to their connecting to the CAL ISO controlled
20 grid. The identified congestion impacts will not be address
21 during the Energy Commission's siting process due to the
22 uncertainties outlined in staff's testimony.

23 If any reenforcements have to be made to the
24 transmission lines related to the Pittsburgh District Energy
25 Facility connecting to the CAL ISO grid, the California
26 Public Utility Commission or local agencies process will

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1 A. I'm a grid planning engineer. And my duties are to
2 oversee the planning process for the ISO control grid. As
3 part of those duties I review transmission projects that are
4 submitted by the participating transmission owners, PG&E,
5 Southern California Edison, and San Diego Gas and Electric.
6 We review those projects to make sure they are applicable
7 with reliability criteria, which was mentioned the CAL ISO
8 reliability criteria is the major criteria that we use.

9 HEARING OFFICER GEFTER: Go off the record.

10 (Discussion off the record.)

11 (A brief recess was taken.)

12 HEARING OFFICER GEFTER: Back on the record.

13 BY MR. RATLIFF:

14 Q. Mr. Mackin, are you testifying today with the -- are
15 you authorized to testify today on behalf of the California
16 Independent System Operator?

17 A. Yes, I am.

18 Q. Can you summarize your testimony briefly?

19 A. Yes. My testify basically discusses everything that
20 Ean already described. My testimony describes the role of
21 the ISO in planning the high voltage transmission grid. It
22 describes the applicable reliability criteria and ISO
23 procedures that apply to grid expansions and
24 interconnection.

25 It also describes briefly the PDEF project from a
26 transmission standpoint. It describes the applicant's

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1 preferred interconnection to the ISO controlled grid. It
2 describes the reliability impacts and congestion impacts
3 that were observed in the studies that were done for this
4 project by PG&E. It also describes the scope of the
5 analyses that were done by PG&E.

6 It also goes into a little detail on the Advanced
7 Congestion Cost Methodology and the schedule for
8 implementing this methodology as far as filing FERC and
9 getting approval from FERC. It also describes some
10 additional studies that will need to be done before the ISO
11 can grant final interconnection approval. These studies are
12 going to be done or are in the process of being done by PG&E
13 in the Detailed Facility Study.

14 And in addition -- or finally, the testimony has
15 conclusions and recommendations. It notes that, as Ean
16 already mentioned, there are four facilities that are
17 impacted from reliability standpoint and seventeen lines
18 that are overloaded that are congestion impacts.

19 And it also recommends one condition of certification
20 for interconnection and the condition of certification is
21 that the interconnection must apply -- or must comply with
22 applicable ISO and PG&E interconnection requirements.

23 Q. Is that also in the condition of staff's testimony as
24 well, or is that a separate condition?

25 A. It's separate.

26 Q. Separate condition?

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1 A. Although I think it overlaps.

2 Q. Would it be fair to say that you worked closely with

3 staff in the preparation of your testimony?

4 A. Yes, it would.

5 Q. Did you hear anything in Ms. O'Neill's testimony with

6 which you disagree?

7 A. No, I did not.

8 MR. RATLIFF: Thank you very much. The witnesses are

9 available for questioning.

10 HEARING OFFICER GEFTER: Does applicant have

11 cross-examination?

12 MR. THOMPSON: None. Thank you.

13 HEARING OFFICER GEFTER: Committee?

14 BY COMMISSIONER ROHY:

15 Q. I'd like to investigate the cumulative affects of the

16 Delta Power Plant in your studies.

17 Is it -- does the Delta Power Plant connect to the

18 Pittsburg Power Plant substation?

19 A. MR. MACKIN: That's their plan right now.

20 Q. And would it use part of the same route that is shown

21 on Exhibit 39?

22 A. MS. O'NEILL: Yes, it would.

23 Q. Has either staff or ISO looked at the cumulative

24 affects of that coincidence location and the possible

25 interconnection with the Pittsburg Power Plant substation?

26 A. Cumulative impacts as far as congestion impacts?

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1 Q. Any impacts from construction to EMF to capacity at
2 the Pittsburg Power Plant substation.

3 A. The cumulative impacts that are on the 8th Street
4 corridor are going to be handled through land use. As far
5 as EMF, that will be handled by Obed, and as far as
6 congestion impacts, I've already addressed the issue of
7 that.

8 Q. Where does the power plant -- the Delta Power Plant
9 tie in? Could you identify it by the numbers on the
10 applicant's map -- excuse me -- the lettering? Is that
11 possible?

12 A. Approximately they -- at AG is the approximate
13 location that they will both go underground together and go
14 towards AH, and at that point they will separate somewhat
15 and the Delta Energy Center project will go underground the
16 remainder of the way versus going overhead.

17 Q. Where I'm going -- and my next question, maybe you
18 can help me, is from AG east, could you give me an
19 approximate location or approximate path for the Delta
20 transmission line?

21 A. I would have to refer that to the Delta Energy Center
22 because I don't have their project with me. Doug Buchanan.

23 HEARING OFFICER GEFTER: Ask Mr. Buchanan to be
24 sworn, but he also represents an intervenor. This is an
25 unusual situation because when you testify this has to be
26 testimony, so let's swear Mr. Buchanan.

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1 (Witness sworn.)

2 HEARING OFFICER GEFTER: Please identify yourself for
3 the record, speaking into one of the microphones.

4 THE WITNESS: I'm Douglas Buchanan, development
5 manager for the Delta Energy Center, and as you correctly
6 pointed out, Delta is also an intervenor.

7 The proposed routing of the transmission for Delta
8 Energy Center I'd like to walk you from right to left on the
9 drawing, Exhibit 39, I believe, in front of you.

10 If you look at the orange line, point Q, where it
11 does the ninety degree there, if you generally assume a
12 position, say, an inch or so, a thousand feet by this scale,
13 to the east of point Q, is the origination of the
14 transmission for the Delta Energy site.

15 We have proposed a two hundred and thirty kV overhead
16 line that would begin at that point I just described, would
17 then follow the point Q to I, approximately, going from
18 right to left, along that same corridor shown with the
19 orange line Q to I.

20 At a point generally in the location of point I shown
21 here, the 230 would transition to underground pipes,
22 conductors, would travel a route that is generally from I to
23 P and then from P to a point approximately an inch or so to
24 the left of P in a direct line along the railroad you are
25 seeing there, at which point it would continue underground
26 to AG.

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1 conductors that are going to be placed inside the pipes and
2 pipes buried to a depth of six feet.

3 PDEF, I'll let them speak to their design, but they
4 have a different design.

5 Q. Is it in the same trench, or are you building another
6 trench for Delta Energy?

7 A. These would be separate, distinct trenches, both
8 given the nature of their design and for required spacing
9 for thermal condensation, heat dissipation in the soil.

10 Q. And with respect to the PDEF, in staff's testimony
11 there was a description of the trench for PDEF.

12 And would you explain how the PDEF trench will be
13 juxtaposed beside the DEC trench?

14 A. MS. O'NEILL: Yes. In my routed testimony Pittsburgh
15 PDEF will be in the easement on the south side of Delta
16 Energy Center's project. And their proposed -- they are
17 going to be construct two trenches, six conduits in each
18 trench.

19 Q. Who is the "they?"

20 A. PDEF, I'm sorry. They will have six conduits in each
21 trench and with approximately fifteen-feet separation
22 between each trench, and they will need approximately
23 twenty-three feet width of trench for both trenches and
24 easements.

25 HEARING OFFICER GEFTER: Thank you.

26 (Discussion off the record.)

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1 BY COMMISSIONER ROHY:

2 Q. I'd like to continue, then, on hearing the
3 description of two of the different lines. I'm looking at
4 the segment AE to AH, and I note that PDEF -- I'll get the
5 initials straight one of these days -- is above ground and
6 that Delta Energy Center is below ground.

7 Is there an engineering reason -- why was that choice
8 made? Is there -- I guess asking staff is the wrong person.
9 Applicant should answer that question.

10 HEARING OFFICER GEFTER: Let's ask applicant to
11 respond. Just grab a microphone and ask Mr. Patch to
12 respond on behalf of applicant. You are under oath.

13 MR. PATCH: The alignment AH to AE is always taken to
14 be above ground on the basis that once the line --
15 transmission line had gone through the 8th Street corridor
16 from east to west that there was no longer any need to
17 continue underground.

18 That's the system where the numbers of poles and
19 lattice towers that exist currently coming in at both 230
20 and 115 kV at the Pittsburgh substation at the west, the
21 location proposed to come aboveground on the basis that the
22 aboveground transmission line was consistent with an area
23 use and the obvious economics of coming aboveground rather
24 than going underground we can identify these last links as
25 being aboveground.

26 ///

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1 BY COMMISSIONER ROHY:

2 Q. The economics play here even though you have two
3 transmission stakes to go from above to below or below to
4 above?

5 A. Yes, sir.

6 Q. I'd look at the same situation on AG to AF from the
7 power plant to the beginning of 8th Street. Your facility
8 there is aboveground, and the question, a relatively short
9 run: Why is the reason that's aboveground and not below
10 ground?

11 A. The initial reasons were that we didn't know there
12 was any reason to put them underground. Underground is an
13 approach to solve transmission line, based on area use, the
14 existing structures in the Pittsburgh substation, that --
15 that, coupled with the final solution or resolution on the
16 height of the poles and screening of transmission structure
17 allows us to go aboveground and take advantage of all the
18 economics.

19 COMMISSIONER ROHY: Thank you.

20 COMMISSIONER MOORE: I have a question.

21 BY COMMISSIONER MOORE:

22 Q. I want to go to the other end of the line, and I
23 think it is the section I to Q and then P to I. If I
24 understand correctly, the proposal before us would have the
25 hundred and fifteen kV lines single pole along that route
26 and the Delta facility would have two hundred and thirty kV

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1 lines, which I assume are higher off the ground; is that
2 correct?

3 A. MS. O'NEILL: From I to P there will be PDEF's
4 overhead facilities, and starting from -- if you are going
5 from Q to I at Q is where Delta Energy Center's goes below
6 ground, so there will be no conflict with overhead
7 identified.

8 MS. WHITE: No. It's at I.

9 THE WITNESS: I said if you look from Q to I at I is
10 -- at that point is where the Delta Energy Center goes
11 underground, so there will be no conflict from I to P.

12 COMMISSIONER MOORE: I misunderstood you to say that
13 is Q to I. So they are aboveground, so between I and Q we
14 have two separate lines running along a hundred and fifteen
15 kV.

16 MS. WHITE: No. The green line is PDEF.

17 HEARING OFFICER GEFTER: One person at a time. Let
18 Ean speak.

19 THE WITNESS: From Q to I is Delta Energy Center's
20 overhead line.

21 BY COMMISSIONER MOORE:

22 Q. Okay.

23 A. From I to P PDEF will have a single 115 kV line
24 overhead, and at I is where Delta Energy Center will
25 transition to underground.

26 Q. So from I to Q there will be only one line, that's

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1 the 230 kV?

2 A. It will be a double circuit 230 kV line, and it is
3 proposed, yet the existing 115 kV line that exists there
4 will be removed by the Delta Energy Center.

5 COMMISSIONER MOORE: Thank you.

6 HEARING OFFICER GEFTER: Is Mr. Mackin, have you
7 completed your testimony? Are you still --

8 MR. RATLIFF: They are available for questions.

9 HEARING OFFICER GEFTER: Is there any
10 cross-examination from the applicant via Mr. Mackin or
11 Ms. O'Neill?

12 MR. THOMPSON: None.

13 HEARING OFFICER GEFTER: We are back to the committee
14 again.

15 BY HEARING OFFICER GEFTER:

16 Q. Mr. Mackin, you testified that the PDEF project will
17 have to comply with applicable ISO interconnection
18 requirements with respect to reliability, let's start with
19 that.

20 What are those requirements, and how does PDEF comply
21 with them?

22 A. The reliability requirements are -- I guess I can't
23 really go into detail on what they are. They are the main
24 part of the reliability, the ISO reliability requirement
25 that PDEF must comply with is to ensure that they do not
26 overload any facilities once they've interconnected to the

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1 grid. These facility overloads, there's also multiple
2 violations and reactive margin criteria they must meet.
3 These are the only violations that we have seen in the study
4 have been.

5 Q. Which study are you referring to?

6 A. The preliminary interconnection study that PG&E did.

7 Q. Can you hold the mike closer? Thank you.

8 A. Then they did the -- PG&E did a supplemental study,
9 which I don't believe has been docketed, and in those
10 studies PG&E determined there were four breakers
11 overstressed, there were congestion impacts, there were no
12 other violations of the criteria. And the studies that have
13 been done to date are preliminary. There is additional
14 checks that need to be performed. There may be some
15 violations that occur when these other checks are made.

16 However, it's the ISO's opinion that any violations
17 that are discovered in this process, which will be done in
18 the Detailed Facility Study -- any violations that are
19 determined in the Detailed Facility Study will not result in
20 any addition facilities being built that would have
21 environmental impact.

22 HEARING OFFICER GEFTER: This is a question for the
23 applicant with respect to staff's errata table No. 1 where
24 the circuit breakers are identified which need to be
25 replaced.

26 Does the applicant agree with staff's analysis and

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1 with the condition that these circuit breakers be replaced?

2 (Discussion off the record.)

3 MR. PATCH: Yes, I believe we do.

4 HEARING OFFICER GEFTER: I have another question
5 going back to the 8th Street corridor. There was some
6 discussion in staff's testimony, the original testimony
7 regarding access to the underground transition line and
8 putting manholes at either end.

9 Where will the manholes be placed on the 8th Street
10 corridor, and how will access be available to crews once the
11 transmission line is underground?

12 That probably is a question, again, for the
13 applicant, unless staff can answer that.

14 MS. O'NEILL: Yes, I would like Joe Patch to answer
15 that question.

16 MR. PATCH: Yes. Currently, as we have talked with
17 the manufacturers and vendors, we would expect to be able to
18 receive the cable, the 115 cable about thirteen hundred feet
19 on a reel. The plan would be that we'd go in
20 thirteen-hundred-foot sections. The manholes currently are
21 shown to be eight-foot square, seven-feet deep. The idea is
22 that we can use them as pulley manholes as well as manholes
23 for inspection and maintenance purposes later on during the
24 life of the project.

25 BY HEARING OFFICER GEFTER:

26 Q. How does that coordinate with the park or the

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1 landscaping that Enron intends to place over the 8th Street
2 corridor?

3 A. Right now the plan would be there would be concrete
4 manholes with concrete covers. As we've seen, typically, in
5 underground distribution systems in neighborhoods, they tend
6 to be a concrete vault with a top and the grass grows
7 besides them. They are trimmed up. They are solid.

8 Q. The question was for staff on proposed condition
9 TSE-2. Question is whether this is a standard condition, or
10 is it written specifically for the PDEF project?

11 A. MS. O'NEILL: It's a standard condition.

12 Q. And with respect to TSE-1d, proposed condition,
13 references still to the hundred-and-thirty-foot lattice
14 steel poles. You changed that language to seventy-five-foot
15 poles.

16 A. That's correct. In my errata testimony the applicant
17 just recently changed from a hundred-thirty-foot lattice
18 poles to seventy-five-foot steel tubular poles.

19 (Pause in proceeding.)

20 BY HEARING OFFICER GEFTER:

21 Q. I had another question: In staff's testimony staff
22 proposed that the applicant use 2300 KCMIL outlet conductors
23 and originally the applicant was proposing to use 1113 KCMIL
24 conductors.

25 What is the status of that request by staff to the
26 applicant?

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1 A. The 2300 KCMIL conductor is the conductor that was
2 used in PG&E's Preliminary Facility Study. At this time the
3 applicant has not chosen its final overhead or underground
4 conductor size. They will when they get closer to the final
5 design part of the project.

6 Q. How does this impact with respect to the proposed
7 conditions?

8 A. It doesn't impact the proposed conditions.

9 Q. Is it mostly dependent on what PG&E requires in terms
10 of interconnection?

11 A. That's correct. And the fact that they want to be
12 able to, with one circuit, carry the maximum capacity that
13 their project will be able to output.

14 Q. So this is not a major concern to staff?

15 A. No, it's not.

16 HEARING OFFICER GEFTER: Okay. Any other questions
17 from the committee? Redirect by staff?

18 MR. RATLIFF: No.

19 HEARING OFFICER GEFTER: The witnesses are excused.
20 Applicant has recross?

21 MR. THOMPSON: Mr. Buchanan, I have notes for
22 cross-examination here. Just kidding.

23 BY MR. THOMPSON:

24 Q. Mr. Buchanan, in your testimony I believe you
25 mentioned about having to go under the PDEF lines once or
26 twice.

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1 Would you recommend that the corridor for PDEF be not
2 specifically designated center, left, or right or north or
3 south, but the general corridor so that PDEF and Delta can
4 work out the exact relationship between the two underground
5 lines when those plans get more firmed up?

6 A. Are you specific to the crossing points or the actual
7 line placements of the corridor?

8 Q. I was actually talking about the line placements
9 within the underground corridor.

10 A. We have committed to wanting to find a way that both
11 projects don't impact the city of Pittsburgh unduly, and I
12 think Delta is willing to discuss different final placements
13 with the caveat that it meet the city of Pittsburgh's
14 requirements and maintain thermal placements. Without
15 specific details, I'll have to answer in that general way.

16 Q. That's fine. All I was thinking was if we went in
17 the center and you took the south and we could avoid going
18 under our lines twice, maybe that would make sense, but
19 that's a detail we can work out later with the city of
20 Pittsburgh when it comes to that. That was my suggestion.

21 A. For the record, Delta has a strong preference to go
22 down the center of the 8th Street corridor or through that
23 median area. If we can find a mechanism to coordinate both
24 projects and accomplish the same thing, I would say yes.

25 MR. THOMPSON: Nothing.

26 HEARING OFFICER GEFTER: Any more questions?

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1 MR. THOMPSON: No.

2 HEARING OFFICER GEFTER: At this point the witnesses
3 may be excused.

4 I'll ask Mr. Buchanan on behalf of Delta Energy
5 Center as an intervenor whether you have any witnesses to
6 present or any cross-examination that you would like to
7 present?

8 MR. BUCHANAN: I do not.

9 HEARING OFFICER GEFTER: Thank you. Are there any
10 further witnesses on the topic of Transmission System
11 Engineering at this point?

12 Hearing none, we'll move on to the next topic.

13 MR. THOMPSON: Could I ask, I would like to move into
14 evidence four exhibits sponsored by Mr. Patch, Exhibits 6,
15 11, 22, and 24.

16 HEARING OFFICER GEFTER: Any objection to admission
17 of those exhibits?

18 MR. RATLIFF: No.

19 HEARING OFFICER GEFTER: Exhibit 6, 11, 22 and 24 are
20 admitted into evidence.

21 MR. RATLIFF: Staff has Exhibit 33, Mr. Mackin's
22 testimony.

23 HEARING OFFICER GEFTER: Staff moves Exhibit 33.
24 Any objection to Exhibit 33?

25 MR. THOMPSON: None.

26 HEARING OFFICER GEFTER: Hearing no objection,

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1 Exhibit 33 is also admitted into the record.

2 MR. THOMPSON: We would like to thank the ISO for its
3 participation in this proceeding. It's a long drive, and
4 they've been most kind.

5 HEARING OFFICER GEFTER: Is the applicant ready to
6 proceed with the next topic, which is Transmission Line
7 Safety and Nuisance.

8 MR. THOMPSON: We would like to call to the stand
9 Mr. Joe Patch, previously been sworn.

10 BY MR. THOMPSON:

11 Q. Mr. Patch, will you state your name for the record.

12 A. Joe Patch.

13 Q. You are here today to testify in Transmission Line
14 Safety and Nuisance?

15 A. Yes.

16 Q. And offer into evidence two exhibits, Exhibit 1,
17 which is part of the AFC section 1-4.2, and Exhibit 2,
18 applicant's responses to staff data requests 2-TLSN-1; is
19 that correct?

20 A. Yes, it is.

21 Q. Do you have any corrections, additions, or changes to
22 make to that material?

23 A. No, I do not.

24 Q. Would you briefly summarize the Transmission Safety
25 and Nuisance material.

26 A. Yes. The exhibits identified in an analysis that was

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1 performed on a 115 kV transmission line, that analysis
2 looked at the EMF characteristics of the lines, its
3 locations, particularly on the underground portion going
4 down 8th Street. That analysis was submitted and docketed
5 as part of the December supplement, I believe.

6 The conclusion of that analysis shows both the
7 electric and magnetic forces associated with the
8 transmission line to be below those typically used as
9 standards of criteria in states that do have standards for
10 current EMF emissions. That concludes my testimony.

11 Q. Thank you. One final question with regard to the
12 staff's suggested conditions of certification in both the
13 Transmission System Engineering and Transmission Line Safety
14 and Nuisance areas, have you read those and would you
15 recommend that the Pittsburgh District Energy Facility adopt
16 those?

17 A. Yes, I have read those conditions of certification
18 and would recommend adoption.

19 MR. THOMPSON: Thank you very much. Mr. Patch is
20 tendered for cross-examination in the area of Transmission
21 Line Safety and Nuisance.

22 HEARING OFFICER GEFTER: Does staff have any
23 questions of the witness?

24 MR. RATLIFF: Just a couple clarifications.

25 BY MR. RATLIFF:

26 Q. Mr. Patch, as we discussed earlier, the transmission

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1 towers will be reduced in height to seventy-five feet?

2 A. Yes.

3 Q. Are those towers located in the areas that are near
4 residences being reduced height?

5 A. The location of the towers is not near residences.
6 The underground portion of the transmission line is close to
7 residences.

8 Q. Is it your opinion that the reduction of the towers
9 is, in any way, a change in the amount of exposure to nearby
10 residence?

11 A. No.

12 MR. RATLIFF: Thank you.

13 HEARING OFFICER GEFTER: Are there any questions for
14 witness by Delta Energy Center? No cross-examination, okay.
15 From the committee?

16 BY COMMISSIONER ROHY:

17 Q. Mr. Patch, I'd like to refer to section AE to AH on
18 Exhibit 39 once again. And that's the section that is
19 overhead on the seventy-five-foot towers. The maps I've
20 seen show that area just to the east of that line to be a
21 ballpark; is that correct?

22 A. Yes, it is.

23 Q. And have you calculated what the EMF level would be
24 at the corridor? Players on that ballpark? You had given a
25 number of two hundred millegauss along 8th Street.

26 Can you tell me what it is on the ballpark due to

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1 those tower lines?

2 A. The initial analysis suggested the EMF levels were
3 below five millegauss for any aboveground line. We have
4 maintained approximately the same heighth of line -- the sag
5 point on the line is as high now as it was with the poles.

6 BY COMMISSIONER MOORE:

7 Q. Mr. Patch, I have a more general question for you.

8 There's been a good deal of discussion about EMF. In
9 the past it's even appeared in popular magazines, a lot of
10 studies on it.

11 Although there have been standards set that you refer
12 to in other states, in your professional opinion, is there
13 an EMF factor that needs to be worried about? If it were
14 below the standards, below the level, is there an EMF issue
15 that really is of impact that the literature would support?

16 A. Based on the limited literature I have read or am
17 familiar with personally, there seems to be very little of
18 any correlation between low levels of EMF and any other
19 potential health issues at the levels we are operating. We
20 would operate below any standard that's been identified in a
21 number of other states. It is my conclusion to be that I do
22 not anticipate there to be any correlation between the two.

23 COMMISSIONER MOORE: Thank you.

24 BY HEARING OFFICER GEFTER:

25 Q. We asked a question previously about the intervals at
26 which these poles would be installed, and in the previous

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1 description, which would be errata page 1 from the April
2 12th filing.

3 HEARING OFFICER GEFTER: Thank you.

4 BY HEARING OFFICER GEFTER:

5 Q. Does applicant agree with that range?

6 A. Yes, we do.

7 Q. You have now answered several questions regarding
8 EMF. With respect to people walking along the 8th Street
9 corridor, is there be, like, a walkway or pathway on top of
10 the transmission line, since I understand there will be,
11 now, some sort of landscaping proposed to cover that
12 underground line?

13 A. As I understand it, there is a plan to develop a
14 linear park along the 8th Street median. The question here
15 is depending on the final coordination detail design with
16 Delta Energy as at the exact location of the 230 kV and PDEF
17 115, it's possible one of these lines would wind up being in
18 the street.

19 Q. And would that be beneath the linear park?

20 A. If it went in the park, it would be to the south or
21 to the north of the linear park.

22 Q. What is your understanding of exposure to EMF from an
23 underground line in route transmission?

24 A. EMF does exist. The electric force is minimal. The
25 magnetic forces are present, and they are part of the study
26 that was done for the underground portion, which has been

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1 docketed. These are the reference I made to the levels of
2 less than two hundred millegauss.

3 Q. Does your testimony deal with the noise of the
4 transmission lines and how that would impact the community?
5 Do you have any studies on that or surveys?

6 A. Yes. We have generally addressed noise associated
7 with transmission lines, particularly the increase noise
8 that's associated with damp or wet conditions, ambient
9 conditions. The conclusion was that the noise levels are
10 very, very low and that outside of the corridor itself, the
11 aboveground lines would be inaudible.

12 HEARING OFFICER GEFTER: Any other committee
13 questions of the witness? Any recross?

14 MR. THOMPSON: No.

15 HEARING OFFICER GEFTER: Any examination by Delta?
16 The witness may be excused.

17 Staff, are you ready with your witness?

18 MR. RATLIFF: Staff witness is Dr. Obed Odoemelum.

19 (Witness sworn.)

20 BY MR. RATLIFF:

21 Q. Dr. Odoemelum, did you prepare the staff testimony in
22 the staff assessment titled Transmission Line Safety and
23 Nuisance?

24 A. Yes, I did.

25 Q. Is that testimony true and correct to the best of
26 your knowledge?

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1 A. Yes, it is.

2 Q. Do you have any changes to make in it?

3 A. No.

4 Q. Can you summarize it briefly?

5 A. As with projects like this, staff's analysis is
6 usually conducted to assess the applicant's apprehension of
7 the major issues associated with transmission line design
8 and operations in regards to safety, health, and hazard and
9 also to ensure that the design, the plan for design and
10 operation that's submitted to the Commission appropriately
11 reflects these concerns.

12 HEARING OFFICER GEFTER: Sorry. Can you move the
13 mike closer?

14 THE WITNESS: That design and operational plan for
15 each project appropriately reflects these concerns as they
16 exist, as they are understood by the state, and also as they
17 reflect the plans that the state energy agencies have
18 established for an oral handling of these issues.

19 And the designs that are proposed for each line would
20 be reflected in the field strength that the applicant will
21 propose for these lines, and staff will, in all cases,
22 verify them.

23 When these lines -- when the field strengths are
24 established, estimated, we usually require actual
25 measurements. This is staff's way of ensuring the designs
26 on which we place our hopes the line will be designed

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1 appropriately. It's actually implemented, and then we
2 measure again that the applicant understands the issues and
3 to the extent that staff is satisfied, we can make
4 recommendations to the Energy Commission.

5 Q. Does that complete your summary?

6 A. Yes.

7 Q. Can I ask you has the state appointed a body to study
8 EMF effects in California?

9 A. Yes. The first it was 1985 that the legislature
10 asked legislation specifically asking the Department of
11 Health Services and PUC this consultation with the Energy
12 Commission to study the issue. I was a member of a panel
13 that oversaw preparation of this report, and we provided a
14 report to the legislature at the time, and it's this thick
15 report here that addressed all aspects of the issue of type
16 of health studies I've conducted in the past.

17 After this report was sent to the legislature, the
18 PUC empaneled another collection of citizens and scientists
19 and other governmental scientists to advise PUC on an
20 interim policy.

21 Q. Did that report include conclusions and
22 recommendations on the transmission design?

23 A. Yes, it did.

24 Q. Has this transmission line been, proposed in this
25 project, been designed, in your view, consistent with the
26 recommendations of that report?

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1 A. Yes, it has.

2 Q. Concerning nearby residential dwellings, in your
3 opinion, should this project result in any increase in the
4 ambient level of EMF in nearby residences?

5 A. No, it should not.

6 Q. Concerning the lines undergrounding on 8th Street,
7 will users of the median who will be above the underground
8 lines, would they be exposed to higher levels of EMF when
9 they are in the median?

10 A. Yes, they will for the short period of time that they
11 are walking around that median, but it's short-term
12 exposures.

13 Q. Can you describe briefly the difference between
14 short-term and long-term? Can you explain what the
15 differing levels of health concern are, short-term exposures
16 versus long-term?

17 A. The short-term exposures are those, as you can guess,
18 last for only just a short time. And you experience this
19 not only with transmission line environment but also at much
20 higher levels when you use common household appliances.
21 This you can compare to chronic exposures that occur usually
22 to residents, and it is possibly a health -- such chronic
23 exposures that is at the root of the resident living near
24 transmission lines.

25 Q. Was the report that you just held up, the CPUC's
26 report with recommendations and conclusions, was it

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1 primarily addressed to long-term EMF exposure?

2 A. Yes, it is.

3 Q. Finally, does staff typically perform verification
4 measurements for EMF exposure after the transmission line
5 and facilities have been built for a project?

6 A. Yes, we do.

7 MR. RATLIFF: Thank you. I have no further
8 questions. The witness is available.

9 HEARING OFFICER GEFTER: Does applicant have
10 cross-examination of the witness?

11 MR. THOMPSON: We have none.

12 HEARING OFFICER GEFTER: Committee?

13 MR. ELLER: I have a question.

14 BY MR. ELLER:

15 Q. Good afternoon, Doctor. I'm looking at page 90 of
16 the staff assessment regarding nuisance shock, electric
17 magnetic field levels: Were the calculations for the
18 electric magnetic field levels done for just the
19 transmission lines for this projector? Did they incorporate
20 the transmission lines that would be co-combined in the
21 underground for the Delta project?

22 A. These were done for this project. There are two
23 things: In the case of cumulative impact, it doesn't apply
24 for EMF as it will for, say, mechanical engineering and
25 other issues.

26 So our concern and the state's policy is to ensure

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1 that each individual line is designed using the most
2 reliable and effective field reducer designs possible so
3 that if magnetic calculations about fields from such a line,
4 the computer program that is used for such calculations is
5 set up so that it will factor the impacts of fields from
6 lines.

7 So to the extent there are other lines within the
8 impact of this field, then the program is used to calculate
9 so the numbers are reflected in the fields that are
10 estimated for the line reflect any other fields from any
11 other lines that are in the general area.

12 Q. Would that also include lines that are buried
13 directly next to this line?

14 Define "nearby" in terms of your calculation?

15 A. Yes, they will. And keep in mind that it's not
16 necessarily an additive effect. One of the ways to reduce
17 lines is to actually place them closer, so to the extent you
18 have lines that are near an existing line, you will not
19 necessarily have an additive effect so the fields that
20 result might be lower than you would expect.

21 Q. So the numbers contained in your analysis on page 90
22 of the staff assessment would be valid for the project both
23 with the lines proposed for this project and for the lines
24 proposed for the Delta project as well?

25 A. That would be true. In fact, depending on the
26 strength the current that will flow in the Delta project,

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1 the fields may actually be lower when that project comes
2 online.

3 Q. So this represents the worst case?

4 A. That's correct.

5 MR. ELLER: Thank you.

6 BY MR. PITTARD.

7 Q. Hi, Obed. I want to clarify you may have got this in
8 this your redirect, but I may have missed it.

9 The reduction of the height in the transmission lines
10 to seventy-five feet, does that change your analysis or the
11 conclusions in your analysis, in any way?

12 A. No. All that will do is it might reduce the impact
13 area, if you have a line that's much higher. The impact may
14 be wider, but if you reduce it, you will have closer. But
15 it does -- if the reduce because the strength of field has
16 to do with current in the line. It is the design that we
17 are concerned about, the line and design. It doesn't matter
18 where it's routed. It's designed to use the most effective
19 field reducing design that has been deemed appropriate by
20 the PDOC.

21 Q. Thank you. So I noticed in your testimony you didn't
22 -- you don't have an errata to show that it's seventy-five
23 feet, so this would make it clear in the record; correct?

24 A. No. Because what we're using a range of
25 measurements, again, the heights. GO 95, for example, gives
26 you minimum heights, make them higher if you want, but

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1 again, these are expensive. The PUC requires low cost
2 measures should be done to increase more, make for more
3 expansive designs, so we just want to make sure that these
4 minimum values are there a range of knowledge in values but
5 measurements verify what specific values you actually choose
6 for the project.

7 BY HEARING OFFICER GEFTER:

8 Q. When you are describing the most effective design
9 requirements, what would those be to ensure minimum exposure
10 to EMF?

11 A. It gets complicated, but each utility from PUC policy
12 was required to prepare a design guidelines. These
13 guidelines specify the field reduction doesn't establish a
14 practice. What varies from one service area to another is
15 the degree to which -- and that will vary environmental
16 conditions.

17 Q. Is staff satisfied that the applicant's proposal
18 would, indeed, contain the most effective design
19 requirements to minimize the exposure to EMF?

20 A. Yes. Not only that, PG&E will not let them design a
21 line unless it conforms with their own design guidelines.

22 Q. With respect to noise, audible noise, on page 89 of
23 your testimony staff assessment, you state that background
24 noise at the nearest residential averaged sixty-eight
25 decibels.

26 And I need to be reminded because that does not sound

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1 the same as what we heard during our voice testimony, which
2 testimony was a lower back ground noise level.

3 A. This was from a survey that was actually done.

4 Q. Is there -- and Mr. Patch's testimony was that there
5 would be minimal or no impacts on the existing environmental
6 noise due to transmission lines.

7 Is that -- does staff agree with that?

8 A. Yes, we agree. Actually, the noise level that --
9 from nighttime noise.

10 Q. With respect to the proposed conditions, under
11 TLSN-2, there is a condition which states that based on any
12 complaints of interference with radio or TV transmission due
13 to interference by the transmission lines, that the
14 applicant would investigate those complaints and come to
15 some resolution.

16 How would the public know where to file those
17 complaints? What sort of process will be in place?

18 A. The public is -- the normal case is for the public to
19 call the utility, the owner of the line. In the past when
20 you had a major utility, they would call PG&E, but you have
21 to call the owner of this line, and it is their
22 responsibility, according to FCC regulations, to assure all
23 that is necessary, but it is the owner of line that the
24 public will have to contact.

25 Q. In the condition perhaps it might be more helpful to
26 include a specific process by which the local residents can

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1 have some sort of phone number or some way of contacting the
2 applicant because there's nothing listed in the way this is
3 drafted right now.

4 Would staff be willing to make a more specific -- put
5 more specific language in here as to how the public will
6 contact the applicant in the event of transition
7 interference?

8 A. We can do that, but in the past the complainant has
9 just called the local utility versus the owner of that line.

10 Q. There's also in TLSN number five. There is a
11 requirement that the project owner send a letter to all
12 owners of the project within or adjacent to the
13 right-of-way.

14 Does staff have any estimate of how many residences
15 that includes and what is covered by the right-of-way?

16 A. You mean estimates of the number of residences that
17 will be involved?

18 Q. Yes.

19 A. No. This is, again, a federal requirement, and its
20 -- in all cases it doesn't matter. Its just -- these are
21 for complaints that occur within their right-of-way, as long
22 as its their own facility. It doesn't matter the number of
23 people that the population might increase with time, so it
24 will be hard to estimate now.

25 Q. When you say the language says right-of-way, does
26 that refer to the eighty to a hundred feet from the line?

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1 A. That's right.

2 Q. Are there residences within eighty to a hundred feet
3 of the line?

4 A. For this line there may be some, and there may be
5 some of the future.

6 HEARING OFFICER GEFTER: Mr. Patch is shaking his
7 head. Perhaps you can be more specific and ask him to
8 speak. Mr. Patch?

9 MR. PATCH: Yes. As the underground portion of the
10 line goes down 8th Street, no matter who is in the median or
11 on the north or south side, there will be residences that
12 are close to the underground portion of the transmission
13 line. I believe those were identified -- I believe those
14 were identified as property owners along transmission line
15 routes in one of the appendices of the AFC supplement
16 Exhibit 9.

17 BY HEARING OFFICER GEFTER:

18 Q. Thank you. And one more on proposed transmission
19 TLSN-6, the condition states that the project owner shall
20 ensure grounding of any ungrounded metallic objects, but the
21 second paragraph of that condition says the project manager
22 to the Commission may waive that requirement.

23 How is that possible, and why would the Commission
24 waive that requirement?

25 A. You mean requirement for grounding?

26 Q. Yes.

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1 A. Well, in the case in which the property owner may not
2 want anybody to essentially tear him or her, they don't want
3 anybody to send in to get into the area and try to do the
4 grounding.

5 Q. Would that be dangerous for a person to refuse?

6 A. No. We've had experience in the past and in a case
7 in which the owner does all he can and can't get into the
8 property and then will not waive that right.

9 We will not recommend waiving. We just have to look
10 at issues and see if we can talk to the landowner and
11 explain. That's why we require the letter to the property
12 owner explaining the issues.

13 HEARING OFFICER GEFTER: Any redirect of the witness?

14 MR. RATLIFF: No.

15 HEARING OFFICER GEFTER: Any questions by Delta
16 Energy?

17 The witness may be excused.

18 We can take a ten-minute break?

19 (A brief recess was taken.)

20 HEARING OFFICER GEFTER: Back on the record. We will
21 continue with the topic of Waste Management.

22 Is the applicant ready?

23 MR. THOMPSON: We are.

24 HEARING OFFICER GEFTER: Let's begin.

25 MR. THOMPSON: Applicant would call Joe Morgan to the
26 stand, please. He has not been sworn.

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1 (Witness sworn.)

2 BY MR. THOMPSON:

3 Q. Please state your name for the record.

4 A. Joe Morgan, III.

5 Q. Are you the same Joe Morgan who has submitted
6 prepared testimony that is contained in Exhibit 30 to this
7 proceeding?

8 A. I am.

9 Q. And you are here today to testify in the area of
10 waste management and sponsor Exhibit 1-5.14, that section of
11 the AFC entitled Waste Management and applicant's responses
12 to staff data requests in the waste management area 1, 2 and
13 3; is that correct?

14 A. It is.

15 Q. Do you have any corrections, additions, or deletions
16 to make to that material?

17 A. The only comment I would make, it's contained in my
18 remarks, is about the status of the negotiations between
19 USS/POSCO and DTSC regarding the use and reuse of soils on
20 the PDEF site.

21 HEARING OFFICER GEFTER: You will have to speak into
22 the mike. A little louder, please. I didn't follow that.

23 THE WITNESS: The only addition I have to make is
24 contained in my remarks revolves around the negotiations
25 currently ongoing between USS/POSCO and the DTSC on the
26 reuse of soils on the proposed PDEF site.

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1 HEARING OFFICER GEFTER: For the benefit of the
2 reporter, tell us what those acronyms stand for.

3 THE WITNESS: DTSC is the Department of Toxic
4 Substances Control.

5 BY MR. THOMPSON:

6 Q. Mr. Morgan, will you please summarize your testimony.

7 A. Yes. My name is Joe Morgan. I'm the senior project
8 manager at URS Greiner Woodward-Clyde in Oakland. I have
9 twenty-six years experience dealing with hazardous materials
10 management, waste management, site investigation
11 remediation, and multimedia environmental compliance audits.

12 The waste management portion of the AFC was prepared
13 at my direction. We conducted the following tasks in
14 preparation of the waste management section: Reviewed other
15 AFC applications and CEC requirements for waste management
16 procedures. We've reviewed the waste management
17 regulations, for example, Health and Safety Code Title 22
18 regulations; reviewed the potential list of hazardous
19 materials and resulting waste products and estimated the
20 volumes of waste produced during construction and operation
21 of the facility based on information from Patch Engineering;
22 and we called the regional landfills for their remaining
23 capacity.

24 Based on this research we've developed the AFC
25 supplemental waste management section and addressed the
26 various comments.

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1 I also reviewed the existing USS/POSCO Industries'
2 site investigation data, participated in meetings with
3 USS/POSCO and DTSC to discuss the issue of contaminate soils
4 on the portion of USS/POSCO Industry site to be used for the
5 PDEF site and related linears and equipment laydown area.

6 USS/POSCO is currently in negotiations with DTSC
7 concerning the management and reuse of soils on the site.
8 UPI has submitted a new health-based risk assessment on the
9 soils and recommended raising the Health-based Cleanup
10 Levels or HBLs on October 16th, 1998. That is noted in the
11 AFC supplement.

12 USS/POSCO has also submitted a site-specific
13 Corrective Measure Study on April 9th, 1999, for the LB area
14 of the USS/POSCO facility, which includes the PDEF site,
15 adjacent laydown area, and linear routes. The conclusion of
16 the proposed CMS is that the site soils can be reused onsite
17 without restriction.

18 An internal meeting within DTSC to discuss these
19 reports was scheduled for April 28th, 1999, was later
20 rescheduled for April 29th, 1999, and has been postponed due
21 to internal scheduling problems; therefore, no conclusions
22 have been arrived at yet on this discussion. Just as a
23 reminder, the earlier recommendation was for the site to be
24 capped in order to protect site workers. Excuse me.

25 Our findings and conclusions are as follows: The
26 waste streams developed in construction and operation of the

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1 HEARING OFFICER GEFTER: Committee?

2 BY COMMISSIONER ROHY:

3 Q. Mr. Morgan, do you recommend to the applicant to

4 accept staff's recommendations for the conditions?

5 A. Yes, I do.

6 COMMISSIONER ROHY: Thank you.

7 BY HEARING OFFICER GEFTER:

8 Q. You refer to the CMS recommendation that was filed in

9 April regarding use of soils onsite.

10 First of all, what is the CMS stand for?

11 A. Excuse me. The CMS stands for Corrective Measures

12 Study. It's an acronym used in the Research -- Recovery Act

13 regulations, which deals with the site investigation and

14 site remediation activities.

15 Q. Was this drafted in response to discussions with the

16 DTSC?

17 A. Yes, it was.

18 Q. And the recommendation was different from the

19 proposal in staff's -- I'm sorry -- in the applicant's AFC?

20 A. The new recommendation was mentioned because there

21 was some knowledge of that at the time. Basically it -- the

22 new CMS was dependent on the health risk assessment which

23 was conducted and turned in, and based on those

24 recommendations, the new CMS is drafted, which is site

25 specific to the site only area, which is the Western portion

26 of the USS/POSCO site.

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1 Q. The original proposal in the AFC was to cap the
2 arsenic-contaminated soils.

3 And does the CMS recommend that that's not necessary?

4 A. That's correct.

5 Q. Why is that?

6 A. The initial Health Base Levels were based on what
7 we'd call a screening level risk assessment where,
8 basically, the risk assessors look at established values and
9 tables and don't really do any site-specific analysis of the
10 situation. The recommendation coming out of that was for
11 the capping.

12 They have since gone back and done an extensive
13 review of site-specific such as bio-availability of the
14 arsenic and concluded that no further action is really
15 needed. They have been in extensive discussions with DTSC's
16 risk assessment personnel in Sacramento and basically have
17 received verbal agreement that they concur with that
18 recommendation. DTSC has not finished doing their internal
19 discussion on this topic, so there is no conclusion on that
20 yet.

21 Q. Has the CMS been docketed, and is it going to be part
22 of the record?

23 A. It should be.

24 (Discussion off the record.)

25 HEARING OFFICER GEFTER: Off the record.

26 (Discussion off the record.)

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1 HEARING OFFICER GEFTER: Back on the record.

2 MR. THOMPSON: This is a report that was submitted by
3 USS/POSCO to DTSC. It was dated April 9th. I'm led to
4 believe we have a copy, and we will docket that, if you
5 would like.

6 HEARING OFFICER GEFTER: We can docket it, and is
7 there going to be additional filing by the applicant with
8 respect to those recommendations?

9 MR. THOMPSON: Let me ask this.

10 BY MR. THOMPSON:

11 Q. Mr. Morgan, am I correct that the recommendations
12 contained in our AFC and the recommendation of applicant
13 right now assume that there is no change in the DTSC
14 determination -- I'm going to get this wrong -- the CMS
15 levels? In other words, we assume that DTSC will not act on
16 the USS/POSCO recommendation; is that right?

17 A. That's how it stands in the current AFC, that's
18 correct.

19 Q. Would it be your recommendation to applicant to
20 change any of the design features of the plant or
21 construction practices if DTSC affirmatively acts on the
22 USS/POSCO recommendation?

23 A. Yes. I understand that we may end up putting a
24 one-foot cover or more on the site anyway for construction
25 purposes, and Joe Patch needs to address that.

26 In either case that may be taken care of. The only

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1 remaining issue would be disposal of soils that are
2 excavated in part of construction of foundations or part of
3 the pipeline before other underground features. If the new
4 CMS recommendations are accepted, it would allow use of
5 those soils onsite without restriction.

6 MR. THOMPSON: Thank you. I think, if it's okay with
7 you, we'll docket the report. I haven't read it through,
8 but we'll borrow one from Mr. Morgan and docket it.

9 HEARING OFFICER GEFTER: I'm left a little confused.

10 BY HEARING OFFICER GEFTER:

11 Q. As I understand the AFC and staff's assessment
12 recommend that the contaminated soils be kept, and
13 therefore, not removed as waste from the site.

14 A. That's correct. Now, probably the only real
15 difference in this is during the course of excavations on
16 the site, there's obviously some excess soil left over after
17 you bury utilities, put gravel down for the base, you put
18 remaining soil on top or back in the hole, there's obviously
19 going to be soil left over.

20 The new recommendation would be that that soil be
21 used onsite without restriction. Under the earlier
22 situation, recommendation that soil would probably have to
23 be tested further and possibly disposed of in a landfill
24 onsite in the UPI or taken off site.

25 Q. I'm sorry. But maybe I missed it. So the proposal
26 now would be not to cap the contaminated soils but --

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1 A. It would not be required, that's correct.

2 Q. So excavation would just go forward, and then any

3 leftover soil, whether contaminated or not, would be

4 removed?

5 A. No. It would be left onsite.

6 Q. Left onsite, okay. Now, there was -- in the AFC and

7 also in staff assessment there was some discussion about if,

8 during the course of excavation, the applicant discovers

9 other soils that may be contaminated and they may have a

10 chlorate odor or other emissions that would indicate

11 contamination, then there would be a method by which that

12 soil could be analyzed and isolated and perhaps removed.

13 Is that still going to be part of the project?

14 A. That's still going to be part of it.

15 Q. Would that include the arsenic-contaminated soils?

16 A. You guys have done an extensive investigation across

17 the site. There was an awful lot of data. Based on that

18 data, we don't believe that there's arsenic contamination

19 present that would over the HBLs, and therefore, require any

20 additional action.

21 I think that if they are digging along, digging a

22 trench, and they come across something that's unusual,

23 either as to color, odor, or something else that's obvious

24 the soil they just encountered is different from what they

25 have been digging in, then that's going to require

26 additional testing and characterization. But other than

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1 that, they should be able to dig their ditch, put their
2 pipelines down, and cover it back up and go about their
3 business.

4 Q. If they discover something that might indicate
5 contaminated soil during construction, stop at that point
6 and the soil would be isolated?

7 A. They could stockpile the soil and do a quick set of
8 tests and would not delay things more than twenty-four hours
9 hopefully.

10 Q. There's some indication in the AFC that there were
11 sites in proximity to the proposed linear facilities that
12 would indicate some degree of contamination.

13 Is the applicant concerned with those sites, and is
14 there plans to deal with contaminated soils along
15 construction of the linear facility route?

16 A. That's not part of my testimony today, but URS
17 Greiner Woodward-Clyde is in the process of conducting an
18 extensive set of phase-one site investigations for Enron on
19 all of the linears to document areas that might have
20 contamination. Most of those areas are in existing
21 right-of-ways.

22 And I think the same logic would apply if you are
23 digging along, you notice something, all of sudden you smell
24 gasoline, it would require further characterization. Other
25 than that, I don't think there are specific requirements
26 required.

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1 Q. With respect to the wooden railroad ties owned by
2 USS/POSCO that were described in the AFC and staff
3 testimony, what is the plan for disposing of those railroad
4 ties?

5 A. I think the current plan is that we would, as part of
6 the dismantling of the rail line where those ties are
7 located, they would be taken up and probably offered to one
8 of the local landscape companies to be used for landscaping.

9 (Pause in proceeding.)

10 HEARING OFFICER GEFTER: Are there any other
11 questions from the committee? Any redirect by the
12 applicant?

13 MR. THOMPSON: No.

14 HEARING OFFICER GEFTER: Recross by the staff?

15 MR. RATLIFF: No.

16 HEARING OFFICER GEFTER: Anything from Delta?

17 All right. The witness is excused.

18 MR. THOMPSON: Ms. Gefter, could we ask that the
19 USS/POSCO application be identified as the next exhibit in
20 order. It would help in serving it.

21 HEARING OFFICER GEFTER: This is the CMS document?

22 MR. THOMPSON: Yes.

23 HEARING OFFICER GEFTER: We'll identify the CMS
24 document as Exhibit 40, and that will be docketed as well,
25 and it's been identified by the applicant. I don't know
26 that we have foundation at this point to have it admitted.

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1 you. Bring it closer. Thank you.

2 BY MR. RATLIFF:

3 Q. Mr. Ringer, did you prepare the staff testimony
4 entitled Waste Management in the staff assessment Exhibit
5 28?

6 A. I did.

7 Q. Is that testimony true and correct to best of your
8 knowledge?

9 A. Yes.

10 Q. Do you have any changes to make at this time?

11 A. No.

12 Q. Could you summarize it briefly?

13 A. I examined the issues associated with generating
14 hazardous and nonhazardous waste during both construction
15 and operation of the PDEF project. These wastes do not
16 include, however, waste waters, which are discussed in the
17 soil and water resources portion of staff's testimony.

18 My primary concerns in my analysis were to make sure
19 that waste generated during constructing and operating the
20 project would be managed in an environmentally safe manner,
21 that disposal of project waste would not result in
22 significant adverse impacts to existing waste disposal
23 facilities, and that management of all the waste generated
24 would be in compliance with all applicable laws, ordinances,
25 regulations, and standards.

26 The waste generated by construction and operation of

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1 the PDEF project are similar to general kinds of wastes that
2 are produced during construction of similar types of
3 projects.

4 During construction both hazardous and nonhazardous
5 waste would be generated. Nonhazardous waste includes
6 packing material, things like wood, paper, scrap metal,
7 plastics such as that. Hazardous wastes would include waste
8 oil and grease, spent solvent, spent welding materials and
9 cleanup materials from spills from hazardous substances.

10 Certain wastes could also be generated during project
11 construction if contaminated soil were found during
12 construction and if such contamination were to exceed
13 certain levels requiring it to be disposed of off site.

14 During operation also nonhazardous and hazardous
15 wastes could be generated. Similar types of nonhazardous
16 wastes during operation would be generated as during
17 construction. There could be packing materials, office
18 waste, trash, waste such as that. Hazardous waste generated
19 during routine project operation waste oil, spent catalysts,
20 used batteries, things like that.

21 As part of my analysis I looked at the proposed or
22 the estimated quantities of waste that might be generated
23 and how these wastes would be managed and where they would
24 be recycled and where they would be disposed of.

25 Looking at the capacities of both the nonhazardous
26 and hazardous landfills that are proposed for project use,

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1 it turns out that there would not be any significant impact
2 to any of the projects regarding either their lifetime or
3 their operating capacity on an annual basis.

4 So looking at the proposed mitigation measures and
5 taking into account additional conditions of certification
6 proposed by staff, I concluded that the management of waste
7 generated during construction and operation of the proposed
8 project would not result in any significant adverse impacts
9 that these were taken into consideration.

10 Q. Does that conclude your summary?

11 A. It does.

12 MR. RATLIFF: Witness is available for questions.

13 HEARING OFFICER GEFTER: Any cross-examination?

14 MR. THOMPSON: None for applicant. Thank you.

15 HEARING OFFICER GEFTER: From Delta? Committee?

16 BY HEARING OFFICER GEFTER:

17 Q. Is staff familiar with the Corrective Measure
18 Statement identified as Exhibit 40?

19 A. I believe I'm familiar with an earlier version of
20 that. I don't know if I've seen that particular dated
21 version.

22 Q. How did you become familiar with the earlier version?

23 A. I attended a meeting at Department of Toxic
24 Substances Control where USS/POSCO discussed the revised
25 Health Based Levels that they were proposing to use. And at
26 that time I guess it was a draft Corrective Measure Study

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1 that was available.

2 Q. Does staff agree with the new proposal to not cap the
3 arsenic-contaminated soils on the project site?

4 A. There was another Health Based Level proposed, the
5 background level on the site as it is now, which was the
6 level used in the screening study. It was twenty-four parts
7 per million of arsenic, and I believe a hundred sixty parts
8 per million was the level as proposed. That hasn't changed
9 since the meeting that I went to.

10 Based on site-specific analysis that was done, if one
11 sixty is acceptable to DTSC as the final Health Based Level,
12 then staff has no objection to that, and we wouldn't believe
13 that capping would be necessary then.

14 I'd like to add that this -- I'll get into a little
15 bit more of this in Public Health, but as far as some of the
16 conditions that goes as far as dust suppression, that dust
17 suppression was based on the twenty-four parts per million,
18 and although dust suppression will still be required during
19 construction so that the arsenic-contaminated soil doesn't
20 blow around, staff has proposed certain conditions of
21 certification that actually appear in Air Quality, and one
22 of those does make reference to changes in the Health Based
23 Level.

24 Right now it's on page 47 of the staff assessment in
25 the Air Quality section, the verification for AQ-4, and it
26 refers to capping, and it says that capping is not required

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1 based on revised regulatory levels approved by DTSC. I
2 tried to take that into account on this particular provision
3 of verification.

4 (Discussion off the record.)

5 BY HEARING OFFICER GEFTER:

6 Q. Would staff, then, change the staff assessment
7 testimony on waste with respect to capping the
8 arsenic-contaminated soils based on the final DTSC
9 acceptance of the CMS study?

10 A. I don't believe that waste management talks about
11 capping per se. I think waste management is pretty much
12 concerned with quantities that may be taken off site, and
13 those weren't quantified.

14 Q. It says if capping -- on page 115 capping was chosen
15 as preferred alternative, thus eliminating the need to
16 transport soil off site. Although no other areas of onsite
17 contamination were reported, if additional contamination was
18 found, etcetera, etcetera. So --

19 A. Right. I would go back to the discussion where a
20 qualified environmental professional has to be onsite, and I
21 would stand by if additional contaminated soil were found,
22 it might require transportation off site. As far as -- I
23 don't believe that this would require changing. It's just
24 talking about capping to the extent that soil would not have
25 to be taken off site. I think that would still apply.

26 Q. Proposed condition WASTE-2, there is a -- no

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1 verification listed here. Perhaps that was a typo.

2 A. Yeah. Somehow that disappeared. I'll have to add
3 that in.

4 Q. And again, with respect to taking finding
5 contaminated soils and needing to remove it from the site,
6 is that proposed condition WASTE-4 that deals with that
7 particular event?

8 A. Yes.

9 Q. Okay.

10 (Pause in proceeding.)

11 BY HEARING OFFICER GEFTER:

12 Q. On proposed condition WASTE-1, is there a time line
13 with respect to the applicant obtaining their hazardous
14 waste generator number, and should this condition contain
15 more specific time line?

16 A. The actual permit is pretty ministerial. We would
17 require that the applicant -- or the law requires that the
18 applicant obtain such an I.D. number prior to generating any
19 waste, so I would -- we could add a time line, which I
20 think, basically, would be prior to the beginning of
21 construction.

22 HEARING OFFICER GEFTER: Any redirect of this
23 witness?

24 MR. RATLIFF: No.

25 HEARING OFFICER GEFTER: Any other questions?

26 The witness may be excused.

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1 (Pause in proceeding.)

2 HEARING OFFICER GEFTER: The next topic is Hazardous
3 Materials Management.

4 MR. THOMPSON: Applicant would like to recall Mr. Joe
5 Morgan. He's been sworn.

6 BY MR. THOMPSON:

7 Q. State your name for the record.

8 A. Joe Morgan, III.

9 Q. You are now prepared to testify in the area of
10 Hazardous Materials Management and to sponsor Exhibit 1,
11 section 1-5.15, the hazardous materials handling area of the
12 AFC; is that correct?

13 A. Correct.

14 Q. Do you have any corrections, additions, or deletions
15 for that material?

16 A. No, I do not.

17 Q. Would you please briefly summarize your testimony.

18 A. My name is Joe Morgan, III. I'm senior project
19 manager at URS Greiner Woodward-Clyde in Oakland. I've
20 already testified as to my qualifications. I've prepared
21 the Hazardous Materials Management of the AFC.

22 I conducted the following task in preparation of that
23 section: I reviewed other AFC applications and CEC
24 requirements for hazardous material management procedures.
25 I reviewed the hazardous material management regulations
26 such as the Health and Safety Code and Uniform Fire Code. I

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1 reviewed potential list of hazardous materials and resultant
2 waste products and estimated the volumes of hazardous
3 materials used during construction and operation based on
4 information from Patch Engineering.

5 Our analysis also included the aqua ammonia off site,
6 consequence analysis by Air Pollution Control Group in
7 Oakland. They prepared an off-site consequence analysis in
8 accordance with the Risk Management Plan requirements using
9 the CEC seventy-five parts per million criteria for ammonia.

10 I'm not prepared to talk about that today, other than
11 very minimally. Dr. John Koehler, who is the head of our
12 air pollution control board will be present tonight if you
13 wish to address any questions on that particular issue.

14 Based on our research we developed the AFC Hazardous
15 Materials Management section of the AFC supplement hazardous
16 materials section and addressed the various comments. Our
17 findings and conclusions are as follows:

18 Hazardous materials used during construction and
19 operation are relatively small and can be properly managed
20 onsite. Management includes proper storage of hazardous
21 materials in original containers or tanks with secondary
22 containment, maintain spill control materials onsite,
23 training of site personnel, and all of the hazardous
24 materials business plan with applicable regulations.

25 We concluded that if the hazardous materials
26 management program were implemented as described, there

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1 would be no significant impacts. I'd also like to add that
2 the off-site consequence analysis for ammonia included there
3 would be no off-site impacts for ammonia as well.

4 I reviewed the staff analysis and agree with their
5 analysis for hazardous materials management and recommend to
6 the CEC that they accept the staff analysis for Hazardous
7 Materials Management.

8 Q. Would you recommend to the Pittsburgh District Energy
9 Facility that they accept staff's proposed?

10 A. Yes, I would.

11 MR. THOMPSON: Thank you very much. Mr. Morgan is
12 tendered for cross-examination in the Hazardous Materials
13 Management area.

14 HEARING OFFICER GEFTER: Staff have
15 cross-examination?

16 MR. RATLIFF: No.

17 HEARING OFFICER GEFTER: Does Delta Energy have
18 cross? Committee?

19 BY HEARING OFFICER GEFTER:

20 Q. There is a reference to an underground secondary
21 containment process in the event of accidental release of
22 ammonia.

23 Can you describe that?

24 A. Basically our analysis of the aqua ammonia handling
25 was the worst case scenario of an event on the facility is
26 during the unloading of a truck of aqua ammonia a

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1 catastrophic failure of a valve, truck, whatever releasing
2 the contents of the truck.

3 And in order to minimize emissions from such an
4 event, John Koehler and I concluded that the best thing to
5 do would be to have, as part of the truck unloading pad, the
6 truck would actually drive into this pad, unload. It would
7 be bermed, and at the lowest point in containment it would
8 be an underground vault that would be sealed to prevent
9 migration of the aqua ammonia through the concrete of that
10 vault. By having a fairly small opening at the top of this
11 vault, that would minimize the opportunity for the ammonia
12 to evaporate.

13 Q. Would this plan be included in your risk management
14 plan that's required under the conditions?

15 A. Yes.

16 Q. What is the time line for the applicant filing a Risk
17 Management Plan?

18 A. I believe they would have to file it before the
19 facility actually starts up. I think the requirement is
20 triggered sometime in June this year.

21 Q. Before construction?

22 A. Yes. Before operation.

23 Q. Between construction and operation some time line
24 there that is required?

25 A. I couldn't tell you what the actual time line is.

26 MR. RATLIFF: I think that may be addressed in

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1 staff's proposed condition two.

2 HEARING OFFICER GEFTER: It says prior to the
3 delivery of hazardous materials.

4 COMMISSIONER ROHY: In another case staff has asked
5 for the applicant to put in multiple ammonia tanks or
6 aqueous ammonia tanks as a condition.

7 Is that the case here? Will there be multiple
8 ammonia tanks? Please.

9 MR. PATCH: The tank designed for the ammonia storage
10 system, the ten-thousand-gallon tanks, as proposed would be
11 a double-walled tank with total pass control.

12 COMMISSIONER ROHY: There is one ten-thousand-gallon
13 tank?

14 MR. PATCH: There are two, one for each unit, but
15 they are double-walled tanks, and that is the containment.

16 HEARING OFFICER GEFTER: Are there any other
17 questions of the witness? The witness may be excused.

18 MR. THOMPSON: We have one other witness in the area
19 of Hazardous Materials Management. I'd like to recall
20 Mr. Joe Patch, Mr. Patch having been previously sworn.

21 BY MR. THOMPSON:

22 Q. Mr. Patch, you are here today to discuss Hazardous
23 Materials Management and sponsor Exhibit 16 entitled
24 Water-Treatment Chemicals; is that correct?

25 A. Yes.

26 Q. Do you have any corrections, additions, or deletions

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1 to make to Exhibit 16?

2 A. No.

3 Q. Would you please very briefly describe what is
4 contained in that exhibit.

5 A. This exhibit identifies -- it is called Table 5 15-1.
6 It is a summary of water treatment chemicals, the usage and
7 storage amounts affected onsite. It typically identifies
8 those chemicals used in demineralization as far as the water
9 treatment and conditions for the cooling tower.

10 MR. THOMPSON: Mr. Patch is tendered for
11 cross-examination on Exhibit 16.

12 MR. RATLIFF: No.

13 HEARING OFFICER GEFTER: Cross-examination? Delta?
14 Committee?

15 BY COMMISSIONER ROHY:

16 Q. Does the storage of all those water treatment
17 chemicals meet existing LORS?

18 A. Yes, sir.

19 Q. Standard practice?

20 A. Yes, sir.

21 COMMISSIONER ROHY: Thank you.

22 HEARING OFFICER GEFTER: Are there other questions of
23 the witness? Witness may be excused.

24 MR. THOMPSON: I'd like to move Exhibit 16 into
25 evidence, please.

26 HEARING OFFICER GEFTER: Any objection to Exhibit 16?

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1 MR. RATLIFF: No.

2 HEARING OFFICER GEFTER: Hearing no objection Exhibit

3 16 is entered into the record.

4 MR. THOMPSON: Thank you. That concludes applicant's

5 Hazardous Materials Management testimony.

6 HEARING OFFICER GEFTER: Staff, would you like to

7 bring your witness forward?

8 MR. RATLIFF: Staff witness is Rick Tyler.

9 (Witness sworn.)

10 BY MR. RATLIFF:

11 Q. Mr. Tyler, did you prepare the testimony in the staff

12 assessment titled Hazardous Materials Management?

13 A. Yes, I did.

14 Q. Is that material true and correct to the best of your

15 knowledge and belief?

16 A. Yes, it is.

17 Q. Do you have any changes you want to make to it?

18 A. No, I don't.

19 Q. Summarize it briefly.

20 A. Yeah. Just before I do that, I'd like to answer or

21 respond to the one question you had about the time frames.

22 Normally outside our process, the way this would be handled

23 is you could not bring any hazardous material onsite or

24 could not obtain an occupancy permit to do anything at the

25 facility until you had that approved plan.

26 However, in our process our permit acts in a similar

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1 manner, so that's the way I dealt with that to make it
2 consistent is that you must have that approved plan before
3 you actually have the material onsite. That's as close as I
4 can get to the same sort of intent.

5 The purpose of my testimony was to evaluate the use
6 and handling of hazardous materials to determine if they
7 posed a significant risk of accidental release and
8 subsequent to a potential for impact on surrounding
9 populations.

10 If staff finds any unreasonable risk or potential for
11 impact involved in the use or handling of such materials, we
12 would, in general, propose additional conditions of
13 certification, which we have not in this case.

14 My testimony does not address the handling of waste,
15 the transportation of materials to and from the site, or any
16 occupational safety issues. The primary focus is to
17 determine if the handling or potential for accidental
18 release could impact anyone off site.

19 In general, I started by analyzing each of the
20 materials with regard to the hazards that they actually
21 posed: Are they flammable? Are they toxic? Are they
22 corrosive? Whatever their specific hazards. Additionally I
23 looked at the equipment it is handled in to determine if
24 that increased, or in any way, changed the potential for
25 accidental risk or accidental release. And I did not find
26 that to be the case.

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1 Basically after that examination I determined that
2 the principal risk was posed by the use of ammonia. The
3 facility also proposes to use sulfuric acid, which is a
4 listed material, however, it is somewhat diluted. It has
5 about three percent of water. As a result of that, it has
6 virtually no vapor pressure, and even if it was released it
7 would not result in any evolution of sulfuric acid, unlike a
8 more purer form that would fume if it were released into the
9 environment, so that's why we did not do further analysis of
10 the sulfuric acid. It doesn't have the potential to cause
11 impacts.

12 We also looked at natural gas handling at the
13 facility, and we do that in general. However, in general,
14 the effects associated with natural gas, such as fires or
15 explosions are generally much more localized than toxic
16 affects that don't extend to the same distances.

17 For this particular project the nearest residences
18 are considerable distances, and those were not a significant
19 factor. However, the facility will still comply with
20 applicable LORS, which should virtually eliminate any
21 possibility of that anyway.

22 The applicant proposes to use a double-walled tank,
23 which means that if there's any failure of the primary tank
24 due to corrosion, which would be a normal failure mode or
25 any other form of failure, that the contents would then
26 drain into the secondary tank which is around it, and

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1 therefore, would not be subjected to the atmosphere and
2 would not emit to the atmosphere as a result.

3 They also propose to use of a catch basin and
4 underground storage facility, which basically also
5 eliminates in the event of any sort of failure during
6 delivery, which is much more likely than the tank failure.
7 So under those circumstances, any material that was released
8 during the delivery would drain to that basin and would not
9 be subject to atmospheric transport, except to the various
10 small hole where it drained into that area.

11 In summary we didn't -- I did not find any
12 unreasonable risk associated with the project, and in fact,
13 the analysis conducted by the applicant, which is very
14 conservative, suggested that there would not be any
15 potential for any significant concentration off the site.

16 As a result there's no increase in risk to the public
17 that could be added to any other risk that they currently
18 are subjected to as a result of hazardous materials in the
19 environment, and therefore, there's no cumulative impact
20 either.

21 I'd like to basically also state that the project is
22 in a fairly preliminary state of design. Postcertification
23 in the project will be required to file a Risk Management
24 Plan, which will be reviewed and approved by staff, the
25 local administering agency, and EPA. It may also be
26 required to file a Process Safety Management Plan, which

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1 would also be reviewed by staff and the local administering
2 agency, and Cal OSHA.

3 Staff -- I've proposed two conditions of
4 certification. The first condition of certification
5 basically requires that they not use any materials that
6 haven't already been identified without first getting
7 approval from the staff or the Commission. And secondly the
8 second condition requires the submittal and approval of the
9 documents, the RMP and the PMS to us for approval prior to
10 the use or handling of these materials onsite.

11 Q. Does that conclude your summary?

12 A. Yes, it does.

13 HEARING OFFICER GEFTER: Does applicant have
14 cross-examination?

15 MR. THOMPSON: I do not. Except I would like to
16 state that Mr. Tyler is always helpful to applicants in
17 going through this process in suggesting methods or design
18 features that make it easier for applicant but satisfy
19 staff's criteria. For example, some passive systems that
20 were implemented in the off-loading were suggestions from
21 staff, and I just want staff to know we really appreciate
22 that. They see a lot of cases, and when they can help us,
23 we really appreciate it.

24 THE WITNESS: Thank you.

25 HEARING OFFICER GEFTER: Does Delta have any
26 cross-examination? Committee?

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1 BY HEARING OFFICER GEFTER:

2 Q. One question with respect to natural gas, potential
3 for explosions, is that covered under HAZ-1 or 2?

4 A. In general I would say yes. When they submit the
5 plan I would be looking to see that it did incorporate the
6 types of procedures that are normally followed under the
7 National Fire Protection Association guidelines, purging of
8 the -- before they tried to light it, that sort of thing to
9 make sure that those things didn't occur.

10 Q. You suggest that would be under the Risk Management
11 Plan or the Process Safety Management Plan?

12 A. That's correct.

13 HEARING OFFICER GEFTER: Any other questions of the
14 witness at this point?

15 Hearing none, the witness may be excused. Thank you.

16 (Pause in proceeding.)

17 HEARING OFFICER GEFTER: That completes the topics
18 for this afternoon. This evening we will begin again at
19 6:00 p.m. at the Pittsburgh High School location. And the
20 topics will be cumulative impacts, which is more of just a
21 summary and explanation of that covers in all the other
22 topics, Public Health and Traffic and Transportation. And
23 during Traffic and Transportation we will discuss the bypass
24 route that is being proposed.

25 At this point we can adjourn the hearing until 6:00
26 p.m. this evening. Thank you.

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(Whereupon a recess
was taken at 4:13 p.m.)

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1 Commission staff.

2 MR. RATLIFF: Dick Ratliff, counsel to staff.

3 MS. WHITE: Lorraine White, project manager

4 coordinating staff's analysis.

5 HEARING OFFICER GEFTER: Thank you. We have a number

6 of intervenors here who are participating parties in the

7 case.

8 From CURE, is there any representative here tonight?

9 From CAP-IT?

10 MS. LAGANA: Paulette Lagana from CAP-IT.

11 HEARING OFFICER GEFTER: The city of Antioch?

12 Representatives from city of Antioch?

13 MR. HALL: Jack Hall, City of Antioch.

14 DR. FAISST: Bill Faisst, Brown and Caldwell.

15 HEARING OFFICER GEFTER: Off the record.

16 (Discussion off the record.)

17 HEARING OFFICER GEFTER: From Delta Energy Center, do

18 we have a representative here?

19 MR. BUCHANAN: Doug Buchanan, Delta.

20 HEARING OFFICER GEFTER: Our public advisor, Roberta

21 Mendonsa, is here representing the public. She can help you

22 participate this evening and through the rest of the

23 proceeding. Roberta is walking around. If you have any

24 questions about the process, please contact Roberta.

25 MS. MENDONSA: Also mention the blue cars. I have

26 blue cards.

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1 HEARING OFFICER GEFTER: Roberta has what we call
2 blue cards. If you want to make a public comment, please
3 fill out a blue card with your name and the comment that you
4 wish to make, and Roberta will collect it and bring it to us
5 so we can invite you to make your comment.

6 Are there agencies present? City of Pittsburgh?

7 MR. DUNBAR: Gerry Dunbar, city of Pittsburgh. With
8 me is Glen Valenzuela, assistant city manager for city of
9 Pittsburgh, and Nasser Shirazi, director of community
10 development for the city of Pittsburgh.

11 HEARING OFFICER GEFTER: Is there a representative
12 from Delta Diablo Waste Water Facility?

13 MR. CAUSEY: Paul Causey, C-a-u-s-e-y, Delta Diablo.

14 HEARING OFFICER GEFTER: Members of the public who
15 expect to make comments, if you could rise and introduce
16 yourself at this point we would like to hear from you.

17 MR. GARCIA: John Garcia.

18 HEARING OFFICER GEFTER: Anyone else who would like
19 to introduce themselves this evening?

20 MS. BLACKWOOD: Cecilia Blackwood. I represent the
21 Central Addition Neighborhood on the PPAC committee.

22 HEARING OFFICER GEFTER: As we proceed this evening,
23 if anyone has a comment, let us know, give your name and
24 blue card to Roberta, and we will invite you to speak
25 whenever you would like to make your comments.

26 I'm going to give you background on evidentiary

1 hearings. These are formal hearings. The purpose of
2 evidentiary hearings is to receive evidence and to establish
3 the factual record necessary to reach a decision in this
4 case. The applicant, Enron, has the burden of presenting
5 sufficient substantial evidence to support the findings and
6 conclusions required for certification of the proposed power
7 plant.

8 Prepared testimony was filed by the parties. We are
9 taking oral testimony under oath tonight. The order of
10 testimony will be taken as follows: First the applicant,
11 Enron, will present evidence, then our staff, then the
12 intervenors. We will address the topics in a sequence
13 contained in the hearing order, and the agenda this evening
14 that was passed out indicates the topics that we will cover
15 tonight. Witnesses will testify under oath or affirmation.

16 During the evidentiary hearing, a party sponsoring a
17 witness shall establish the witness' qualification and have
18 the witness orally summarize their testimony. Relevant
19 exhibits may also be offered into evidence at this time. At
20 the conclusion of a witness' direct testimony, the other
21 parties have an opportunity for cross-examination. As
22 warranted, multiple witnesses may testify as a panel.

23 At the conclusion of each topic area, we will invite
24 members of the public to offer their unsworn public comment.
25 If members of the public have questions, please address the
26 questions to the committee, and we will ascertain the

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1 answers from the parties. The members of the public cannot
2 address the parties directly. We want to you address your
3 questions to the committee.

4 We are now ready to begin with the applicant. The
5 topic this evening -- the first topic will be Cumulative
6 Impacts. This will be a summary of what this topic is
7 about. The next topic will be Public Health, and the final
8 topic will be Traffic and Transportation, and under that
9 topic we will discuss the truck bypass road.

10 We will begin now with Cumulative Impacts, and I will
11 ask the applicant if you have any witnesses on that topic?

12 MR. THOMPSON: We do. We have one witness, Robert
13 Ray.

14 Off the record.

15 (Discussion off the record.)

16 HEARING OFFICER GEFTER: Back on the record. This
17 witness has been sworn previously?

18 MR. THOMPSON: Yes.

19 BY MR. THOMPSON:

20 Q. State your name for the record.

21 A. Robert Ray.

22 Q. And Mr. Ray, today you are here to testify in the
23 area of cumulative impacts; is that correct?

24 A. Yes.

25 Q. And to sponsor Exhibit 1, which is applicant's AFC
26 section 1-5.18; is that correct?

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1 A. That's correct.

2 Q. Please briefly summarize the cumulative impact
3 analysis done by applicant.

4 A. Yes, I will. The focus of the cumulative impact
5 assessment in the AFC was to identify reasonably foreseeable
6 actions in the project area that could affect the same
7 resources as the Pittsburg District Energy Facility project
8 to determine if the impacts of the Pittsburg District Energy
9 Facility project and the other identified actions would
10 overlap in time and geographic extent and to assess if the
11 impacts of the proposed project would interact with or
12 intensify the impacts of other actions. Additionally the
13 purpose of the cumulative impact assessment was to identify
14 any potentially significant cumulative impacts.

15 In general the study area for cumulative impacts
16 included the area within a five-mile radius of the power
17 plant site and one mile of the linear facilities.
18 Information concerning potential future projects for
19 consideration in the cumulative impact assessment was
20 obtained via agency records review and review of other
21 California Environmental Quality Act compliance documents
22 for other projects in the study area.

23 The planning departments of the city of Pittsburg,
24 city of Antioch, and Contra Costa County were contacted to
25 gather information regarding potential cumulative projects.
26 Additionally the CEC was contacted to solicit information on

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1 other energy development projects in Contra Costa County for
2 which formal permit applications have been received at the
3 time the AFC was filed in June of 1998 and the AFC
4 supplement was filed in early December 1998.

5 At this point as of the filing of the AFC supplement
6 on December 8th, 1998, no other energy development permit
7 applications had been filed with the California Energy
8 Commission within the study area for cumulative impacts.

9 For the purposes of the cumulative impact assessment,
10 it was assumed that the construction phase for the project
11 would be approximately twenty months. The cumulative
12 assessment considered potential impacts during the
13 construction and operational phases of the project.
14 Projects that were identified with the potential to result
15 in cumulative impacts are listed and mapped in the AFC in
16 section 5.18.

17 In summary, with implementation of the
18 applicant-committed mitigated measures for environmental
19 resources of concern and the CEC conditions of approval, no
20 significant cumulative affects are anticipated from the
21 project.

22 Q. Thank you, Mr. Ray. Have you had an occasion to
23 review the Delta Energy Center's cumulative analysis?

24 A. Yes, I have. At least this terms of what was
25 submitted back in December.

26 Q. Do you have any comments about that analysis?

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1 A. The only comment I can make is based on my review of
2 the various cumulative impact sections in the Delta Energy
3 Center AFC as filed. I did not identify any potential
4 significant cumulative impacts between the Delta Energy
5 Center project and the Pittsburgh District Energy Facility
6 project.

7 Q. Thank you. Do you have any corrections, additions,
8 or deletions to make to your material?

9 A. I do not.

10 MR. THOMPSON: Thank you. Mr. Ray is tendered for
11 cross-examination.

12 HEARING OFFICER GEFTER: Does staff have any
13 cross-examination of the witness?

14 MR. RATLIFF: No.

15 HEARING OFFICER GEFTER: Do any of the intervenors?
16 City of Antioch? CAP-IT? Any other intervenors? Delta
17 Energy? Committee?

18 COMMISSIONER MOORE: I do.

19 BY COMMISSIONER MOORE:

20 Q. Mr. Ray, can you tell me in terms of defining
21 cumulative impacts, is it possible that we can use different
22 definitions of a region or different definitions of a
23 community for defining any subset of the term "cumulative?"

24 For instance, air quality may have a different range
25 of cumulative impacts than water quality or congestion
26 management.

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1 In other words, is it fair to lump things into one
2 definition of community or one definition of a region, or do
3 we in your opinion need to take into account differing
4 levels of what we define as the boundaries of impact?

5 A. Definitely need to consider different areas for
6 different resources. Obviously for air quality you are
7 going to want to look at the air shed base, which is a much
8 larger area, so for each discipline you will have a
9 different study area.

10 When we identified a five-mile radius around the
11 plant site, that seemed to be a reasonable area to try to
12 gather information on other pending projects. Typically by
13 definition, the air quality analysis, for instance, is going
14 to consider background air quality data as well as other
15 pending projects.

16 We did contact the Bay Area Air Quality Management
17 District to get information on other pending projects with
18 the potential to emit air emissions within the project
19 region and did not identify any permit applications that had
20 been submitted at the point in time that we did our
21 analysis.

22 Q. You mentioned that you got the Delta Energy AFC
23 cumulative impact, which I have not seen, so you are ahead
24 of me on that.

25 And I'm wondering: Were there other projects that
26 you were aware of in this area that also pose potential

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1 cumulative impacts but there simply wasn't data available on
2 it?

3 A. At the time we prepared the AFC I'm not sure if we
4 had this information, but now I've heard rumors of the
5 possibility that the Pittsburgh Power Plant may be repowered.
6 We do not have any details regarding that, so it's not
7 possible for us to do an assessment, but I have heard that
8 rumor.

9 Q. So just in terms of sequence so I understand it
10 correctly, when you prepared the AFC -- when the AFC was
11 prepared, sorry, the cumulative impacts for this project
12 were included in that. In a similar fashion, the Delta
13 Energy project is now presenting cumulative impacts in the
14 AFC.

15 So in sequence, these are -- yours are basically done
16 and accounted for and theirs are just coming in, so they, in
17 a sense, know more than you did at the time you prepared
18 your AFC. If there's a third or fourth project, they'll
19 know more than Delta did at the time that they prepared
20 theirs?

21 A. Yes, I would agree with that statement.

22 Q. Is there any way that we could have anticipated any
23 better some of the cumulative impacts that might have
24 changed some of the mitigation recommendations, in your
25 opinion, had we been able to somehow coordinate the
26 preparation of this one section of the report?

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1 A. The criteria that is spelled out in the section 5.18
2 of the AFC for the Pittsburgh District Energy Facility
3 project, and we believe that its appropriate to consider
4 projects for which a permit applications have been submitted
5 so that you have information upon which to do the cumulative
6 impact assessment. Without actual data in a permit
7 application, the results would be speculative. That's not
8 required under the California Environmental Quality Act.
9 I'm not sure if I understand your question, but I don't
10 believe that we could have done a credible job beyond what
11 we did.

12 COMMISSIONER MOORE: Thank you.

13 HEARING OFFICER GEFTER: Any other questions from the
14 committee?

15 MR. ELLER: I have a couple questions.

16 BY MR. ELLER:

17 Q. You mentioned that there might be a repowering of the
18 Pittsburgh Facility.

19 Would you expect in a general manner that as a result
20 of that repowering, the new facility would be cleaner in
21 operation of reduced environmental impacts?

22 A. I would just -- my gut-level feeling tells me I would
23 expect that, although I have no information in hand to back
24 that up.

25 Q. Given the timing of your project and the fact that
26 repowering is still fairly speculative, would you anticipate

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1 any impact from construction of your project and the
2 repowering of that facility?

3 A. No, I do not.

4 MR. ELLER: Thank you.

5 HEARING OFFICER GEFTER: Does applicant have any
6 redirect of your witness?

7 MR. THOMPSON: No. Thank you.

8 HEARING OFFICER GEFTER: Yes. From CAP-IT recross?

9 MS. LAGANA: Yes. I would like a clarification.

10 BY MS. LAGANA:

11 Q. What do you mean by the "Pittsburg Facility?"

12 A. I'm not sure what I was referring to when I said
13 Pittsburg Facility. I believe I was referring to the
14 Pittsburg Power Plant that was formerly owned by PG&E as
15 opposed to the Pittsburg District Energy Facility, which is
16 sponsored by Enron.

17 HEARING OFFICER GEFTER: Any other questions by any
18 of the parties? The witness is excused.

19 We'll ask staff to present its witness.

20 MR. RATLIFF: Staff witness is Lorraine White. She's
21 identified at the cumulative impacts witness. I hasten to
22 add Ms. White is not sponsoring the written testimony. She
23 did not prepare written testimony on this point. I think I
24 assume it was the committee's desire --

25 MS. MENDONSA: It's hard to hear, Dick.

26 MR. RATLIFF: I assume it's the committee's desire

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1 that we summarize the analyses that the staff did on the
2 various topic areas when we get to cumulative impact
3 analysis.

4 HEARING OFFICER GEFTER: Yes.

5 BY MR. RATLIFF:

6 Q. Ms. White could you summarize --

7 HEARING OFFICER GEFTER: Ms. White has been
8 previously sworn.

9 MR. RATLIFF: Yes.

10 THE WITNESS: Although I will attempt to summarize
11 staff's overall approach on cumulative analysis, I will not
12 be speaking to the specific results --

13 (Pause in proceeding.)

14 HEARING OFFICER GEFTER: Thank you.

15 THE WITNESS: Although I will be speaking to staff's
16 overall approach on cumulative analysis, I will not be
17 speaking to any one staff person's particular specific
18 analysis.

19 Staff's approach to cumulative analyses is to address
20 them in the specific technical area that a given staff
21 person is responsible for. For example, in Traffic and
22 Transportation we would be addressing cumulative impacts as
23 it pertains to traffic and transportation disciplines. In
24 terms of air quality, the same sort of approach.

25 Our staff assessment did not break out a specific
26 standalone testimony that addressed cumulative impacts,

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1 primarily because the nature of a given technical area helps
2 to define the scope of the cumulative impacts a technical
3 staff person might focus on.

4 In terms of overall approaches in the assessment, you
5 can look to several technical areas that call out cumulative
6 impacts analysis, including Air Quality, Public Health,
7 Worker Safety and Fire Protection, Transmission Line Safety
8 and Nuisance, Hazardous Materials, Waste Management, Land
9 Use, Traffic and Transportation, Noise, Cultural Resources,
10 Socioeconomic Resources, Biological Resources, Soil and
11 Water Resources, Paleontologic Resources, and Transmission
12 System Engineering.

13 Most of the areas focussed on the immediate Pittsburgh
14 area and projects that are identified as development in the
15 Pittsburgh -- in the city of Pittsburgh. In particular we
16 focused on the Delta Energy Center.

17 Our staff assessment was filed subsequent to the AFC,
18 the Application for Certification filing of
19 Calpine/Bechtel's Delta Energy proposal.

20 In addition, the air quality analysis is focusing on
21 a regional cumulative impacts analysis primarily focusing on
22 the incremental increases in operational performance of the
23 Pittsburgh Power Plant formerly owned by PG&E and the Contra
24 Costa Power Plants formerly owned by PG&E, as well as Delta
25 Energy Center and the proposed Pittsburgh District Energy
26 Facility.

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1 The local cumulative impact analysis is looking at a
2 six-mile radius for the local cumulative impacts and air
3 quality.

4 In terms of the other area which has a unique
5 approach to cumulative impacts analysis, Transmission
6 Systems Engineering is looking at not only the Delta Energy
7 Center but also takes into consideration other regional
8 developments in energy facilities because of the
9 interconnected nature of California's electrical system.

10 Soil and Water Resources is looking at primarily the
11 impacts to the slough. The current proposal for the
12 Pittsburg District Energy Facility is to reuse water from
13 Delta Diablo Sanitation District's waste treatment facility
14 and return it back to the treatment facility at its
15 headworks so there's no new loading to the system. But if
16 you take that into consideration as well as the loading that
17 will be posed by the Delta Energy Center, that is the
18 approach for the cumulative impacts analysis there.

19 That analysis has yet to be published. It will be
20 released as testimony on May 14th as well as the cumulative
21 impacts analysis of air quality. And those two testimonies
22 will be the subject of a hearing later this month.

23 BY MR. RATLIFF:

24 Q. Does that conclude your summary --

25 A. Yes.

26 Q. -- of staff's cumulative impact analyses?

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1 A. Yes.

2 MR. RATLIFF: No more questions.

3 HEARING OFFICER GEFTER: Does the applicant have
4 cross-examination?

5 MR. THOMPSON: We do not. Thank you.

6 HEARING OFFICER GEFTER: Do any of the intervenors
7 have cross-examination? CAP-IT? City of Antioch? Delta?
8 Committee?

9 Thank you. The witness is excused.

10 At this point are there any further witnesses by any
11 of the intervenors on the subject of cumulative impacts?

12 Hearing none we can go to the public comment period.

13 Does any member of the public have any comments on
14 the subject of cumulative impacts, that would include any
15 questions you might have on that subject? You are welcome
16 to address the committee, and we will try to ask the
17 questions of the parties.

18 No member of the public has indicated that they have
19 any questions or comments on this topic. At this point we
20 will close this topic on Cumulative Impacts and move on to
21 the topic of Public Health.

22 Is the applicant ready on that topic?

23 MR. THOMPSON: We are. Applicant would like to call
24 Mr. John Koehler.

25 (Pause in proceeding.)

26 (Witness sworn.)

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1 BY MR. THOMPSON:

2 Q. Would you please state your name for the record.

3 A. Yes. John Koehler.

4 Q. Are you the same John Koehler that submitted prepared
5 testimony included as part of Exhibit 30 to this proceeding?

6 A. Yes, I am.

7 Q. And today you are here to testify in the Public
8 Health area and to sponsor Exhibit 1-5.16, the Public Health
9 section of the AFC, section of Exhibit 12 dealing with
10 Public Health, and Exhibit 21, which is the revisions to the
11 Health Risk Assessment; is that correct?

12 A. That's correct, yes.

13 Q. Do you have any corrections, additions, or deletions
14 to make to that material?

15 A. No, I don't.

16 Q. Would you please briefly summarize the Public Health
17 testimony?

18 A. Yes. The study in the AFC was concerned with the
19 airborne emissions of toxic air pollutants. Those are
20 chemicals that have no known human health effects but do not
21 federal or state ambient air quality standards. Potential
22 health impacts of air pollutants with air quality standards
23 are addressed in the air quality impact analysis.

24 For the public health impacts, combustion emissions
25 from the operation of the gas turbines, boiler, and cooling
26 tower drift or mist from the use of disinfected tertiary

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1 recycled water as cooling water were all examined.

2 Emissions of toxic air pollutants from the gas
3 turbines and boiler were calculated assuming firing of
4 natural gas in the turbines and boiler under maximum load
5 conditions. We use the California Air Toxics Emission
6 Factor database published by the California Air Resources
7 Board for these calculations.

8 In addition, maximum potential emissions of ammonia
9 were included from the operation of the proposed Selective
10 Catalytic Reduction or SCR air emissions control system.

11 Finally, emissions of chemicals in the cooling tower
12 drift from the tertiary recycled water were calculated from
13 water quality data that we received from the Delta Diablo
14 Sanitary District. Air dispersion modeling using
15 EPA-approved methods was used to assess potential airborne
16 concentrations of the air toxic pollutants in the
17 surrounding area.

18 Potential public health impacts were calculated from
19 these predicted airborne concentration using toxicity
20 factors that are published by the California Environmental
21 Protection Agency.

22 So with all of these procedures, the highest impacts
23 from the cooling tower alone were predicted to occur close
24 to the facility, while the highest impacts from the turbine
25 stacks, which are much higher and exhaust hotter, higher
26 velocity gas, were predicted about five and a half miles to

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1 the east in the prevailing downwind direction. The
2 maximum impact from the combined operation of all sources:
3 The turbines, the boiler, and the cooling tower coincided
4 with that turbine maximum impact location about five and a
5 half miles to the east.

6 The resulting maximum cancer risk using the toxicity
7 factors I mentioned earlier from the estimated exposures was
8 calculated to be about .5 chances in a million, which is
9 less than the one-in-a-million threshold considered to be
10 significant.

11 We also looked at noncancer health impacts by the
12 calculation of what are known as hazard indices. Hazard
13 indices are the assessed exposures divided by levels of
14 concern. Hazard indices of one or greater are considered to
15 be significant.

16 The hazard index for chronic noncancer health effects
17 was calculated to be .018 and the hazard index for acute
18 noncancer health effects was calculated to be .042. Both
19 values are well below one, therefore, this study concluded
20 that the maximum cancer and noncancer health impacts using
21 the assumptions I just described were calculated to be below
22 levels of health-based significance.

23 Q. Thank you. Dr. Koehler does that complete your
24 testimony?

25 A. That completes my summary.

26 MR. THOMPSON: Mr. Koehler is tendered for

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1 cross-examination.

2 HEARING OFFICER GEFTER: Does staff have
3 cross-examination of the witness?

4 MR. RATLIFF: Yes. One question.

5 BY MR. RATLIFF:

6 Q. When you say that there is a chance of risk
7 assessment where the chance of getting cancer is .5 in a
8 million, is it the same as saying one person out of two
9 million would get cancer from this project?

10 A. It's a probability statement. It's a statement based
11 on these maximum concentrations that we predicted and
12 conservative toxicity factors that since it's recognized
13 that there is no such thing as a zero probability of
14 contracting cancer due to anything, it's a probability
15 statement that there is one half in a million chance of
16 contracting cancer. That's not to say that two people in a
17 population of a million will definitely contract cancer.
18 It's a probability statement.

19 Q. What are the assumptions that go into the probability
20 statement?

21 A. Those can be quite numerous to elaborate here, but
22 they involve the estimation of maximum airborne
23 concentrations from first calculating the emissions of
24 toxics from the emission source, going through an air
25 dispersion modeling exercise to estimate what the potential
26 ground-level exposures may be, and then using toxicity

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1 factors published by state toxicologists that are based on
2 human epidemiology data, if available, otherwise animal data
3 that is extrapolated with safety factors to come up with
4 what that concentration might cause -- health effects that
5 those concentrations may cause at that level of
6 concentration.

7 So some carcinogens are more well-understood than
8 others. Most of these carcinogens are B- or C-weighted
9 carcinogens. Some are A-weighted carcinogens. This is
10 getting very technical. It's an involved study that uses
11 state-approved methods to get at a conservative estimate of
12 what the upper-end-bound estimate of what the cancer risk
13 may be.

14 Q. Does it assume point of maximum impact?

15 A. We use -- we did these calculations at the point of
16 maximum impact, which, again, was assessed to be -- it was
17 about five or six miles away on elevated terrain across the
18 Delta where people actually aren't living, but that is where
19 the maximum impact was predicted from air dispersion
20 modeling.

21 Q. The theoretical person that receives that impact, are
22 they expected to be there?

23 A. They are expected to be there. Part of the
24 assumptions in this risk assessment assumes that that person
25 would be at the point of maximum concentration for seventy
26 years, breathing twenty cubic meters of air a day, and they

1 never leave that location.

2 Q. So it's the worst-case analysis of the maximum amount
3 of pollution at the worst possible point for seventy years;
4 is that correct?

5 A. That's correct, yes.

6 HEARING OFFICER GEFTER: Off the record.

7 (Discussion off the record.)

8 HEARING OFFICER GEFTER: On the record.

9 THE WITNESS: The statement was made that this study
10 was then the result of -- I'm paraphrasing -- the result of
11 a maximum possible concentration predicted under worst-case
12 conditions at the location of maximum impact by an
13 individual for seventy years.

14 MR. RATLIFF: I have no other questions.

15 HEARING OFFICER GEFTER: Cross-examination by the
16 other parties? City of Antioch?

17 DR. FAISST: Dr. William Faisst on behalf of the City
18 of Antioch.

19 BY DR. FAISST:

20 Q. Did you do any evaluation of possible biological risk
21 from the cooling towers? And if so, can you summarize that
22 work?

23 A. Okay. During the preparation of the AFC, we did not
24 perform any evaluation of potential bacteria or viruses that
25 may be in the disinfected tertiary or recycled water, I
26 assume that's your question, that would be proposed for use

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1 in the cooling tower.

2 Subsequent to our analysis -- the data weren't
3 available to us. We were basing our analysis on chemical
4 data information that was supplied to us. I am aware the
5 concern that was raised subsequent to our analysis, so we
6 prepared -- we looked into that. We prepared some comments
7 on this issue, and we summarized in a letter to Jeffrey
8 Kolin, city manager of Pittsburg, dated today, May 3rd,
9 1999.

10 Briefly, the comments in that letter is that we
11 confirmed that the Delta Diablo Sanitary District would meet
12 the requirements of the Regional Water Quality Control
13 Board, Order 96-011, which calls for a 99.999 percent
14 destruction of viruses, a demonstration of that, and also
15 calls for a maximum allowed bacteria account measured as
16 total coliform.

17 I'm aware of proposed Title 22 regulations by the
18 California Department of Health Services, and they have
19 similar requirements. Some numbers may be slightly
20 different. I know that the 99.999 percent number for
21 destruction of viruses is the same. The Delta Diablo
22 Sanitary District would meet those requirements when
23 finalized.

24 And I did take into account what the total coliform,
25 the bacteria measured as total coliform, and viruses that
26 would be estimated using these California Department of

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1 Health Services numbers. I did take that into account
2 today, going back to my dispersion modeling and seeing how
3 this estimate of bacteria and viruses that might be present
4 would disperse from the cooling tower.

5 What I came up with -- I came up with a series of
6 impacts but estimated at a maximum one-hour concentration in
7 the closest location in Antioch, for example, I estimated a
8 bacteria count of about .00013 counts per cubic meter of
9 air, and that can be compared against typical background
10 levels, which can range in the hundreds.

11 So based on that and similar low values of what
12 potential viruses may be -- let's see what I estimated. For
13 viruses, point and then you go about nine zeroes five
14 viruses per cubic meter at the property line. In Antioch --
15 excuse me, that was in Antioch, pardon me. About point nine
16 zeroes five six viruses for cubic meter of air.

17 So these are extremely low estimated values. Now,
18 I'm not an expert in the area of microbiology, but I think
19 these types of results would indicate that the proposed DHS
20 met the requirement for tertiary recycled water should be
21 protective of the public health.

22 HEARING OFFICER GEFTER: Any other questions from the
23 city of Antioch? CAP-IT? Delta? Any redirect?

24 MR. THOMPSON: No.

25 HEARING OFFICER GEFTER: Committee?

26 COMMISSIONER ROHY: I'd like to start.

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1 BY COMMISSIONER ROHY:

2 Q. I'd like to continue on this question of the virus
3 destruction in the Delta Diablo water. In fresh water
4 systems they do some type of a virus destruction.

5 How would you compare their destruction percent with
6 the percents you gave for the recycled water?

7 A. Well, actually I'm not qualified to answer that
8 question.

9 Q. Second question: Have you looked at the effect of
10 particulates on public health from this power plant?

11 A. Well, that would be covered in the air quality impact
12 analysis, just PM-10 particulates.

13 Q. Yes.

14 A. That was examined in this project and will be covered
15 in the air quality impact analysis. The general summary is
16 that the maximum predicted concentrations of particulate
17 matter less than ten micrometers in diameter were calculated
18 to be less than the significance levels published by the Bay
19 Area Air Quality Management District, but I know there's a
20 lot more information coming when we get to Air Quality.

21 Q. So we'll revisit this question at the next hearing.

22 A. Yes.

23 COMMISSIONER ROHY: Thank you.

24 BY HEARING OFFICER GEFTER:

25 Q. I have a question regarding the Pittsburg monitoring
26 station. It states in the AFC and in the staff assessment

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1 that the Pittsburgh monitoring station was suspended in 1993
2 so collecting data for toxics was done by other monitoring
3 stations.

4 Can you tell us how accurate that monitoring is if
5 that Pittsburgh monitoring station is now closed?

6 A. Well, I feel for the general level of bacron
7 (phonetic) toxic air pollutants that we are comparing our
8 results against that the averages measured at those other
9 stations that are referred to in the AFC are reasonably
10 close to the overall Bay Area averages that we see. Most of
11 those pollutants are pollutants we see everywhere in the Bay
12 Area, so I believe its representative and accurate for our
13 purposes.

14 Q. Do you know why that station was suspended in 1993 in
15 Pittsburgh?

16 A. No, I do not.

17 Q. There was a statement that site-specific data is not
18 available and that you did average in Concord and Antioch.

19 Is this a standard procedure for doing a public
20 health risk assessment to use other monitoring stations or
21 to average?

22 A. With a public health risk assessment, you first
23 analyze your own risks. In comparing those risks to
24 background levels it is standard procedure, if you don't
25 have otherwise localized data to use that the closest
26 available data. There may always be particular pollutants

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1 of concern for a particular project, but I believe for this
2 project the monitored air toxics average between Antioch and
3 Concord are representative.

4 HEARING OFFICER GEFTER: Any other questions of the
5 witness by any party?

6 At this point we invite comments and questions from
7 the public. If anyone has a question for the witness,
8 please -- okay. Please come stand up and give us your name.

9 MR. CARPINO: My name is Pete Carpino. I'm a
10 resident of the city of Pittsburg. I'd like to address this
11 question to you about the monitoring station. This was
12 brought up at a hearing at our last meeting at city council
13 chambers.

14 BY MR. CARPINO:

15 Q. I'm concerned about the fact that there is no local
16 monitoring station, and I wonder what your feelings are on
17 this being the nearest one, I understand, is over the hill
18 in Concord and the other one is over Bethel Island; am I
19 correct?

20 A. You are probably talking about PM-10 now I assume?
21 Particulate matter. Yes, there is a particulate monitoring
22 station at Bethel Island.

23 Q. That's the nearest one; am I correct?

24 A. I believe there's air toxics that are monitored
25 closer in Antioch, but for particulates it's Bethel Island.

26 Q. The question was raised at that meeting about why we

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1 don't have a local one being the city will, over a period of
2 time, possess about six different power plants. Why we
3 don't possess -- we don't know what we have now in the air.

4 We as residents are very concerned about knowing, you
5 know, what we have to deal with right now, and I just
6 wondered what you felt your feelings would be regarding
7 having a local monitoring station. It would be down towards
8 -- downwind, maybe, right on the river there because I know
9 that was being proposed at that meeting.

10 A. I was not at that meeting, so I don't know how far
11 that topic went, and I don't know why there are no monitors
12 in Pittsburg. That's the responsibility of the Bay Area Air
13 Quality Management District and the California Air Resources
14 Board.

15 What I can say for this particular project, based on
16 the findings we arrived at for the health risk assessment,
17 these are for the toxic air pollutants, and the findings
18 that were raised for particulate matter, which is still to
19 be discussed in this hearing, that the project demonstrates
20 an adequate margin of safety and compliance with the
21 permitting requirements. I can't speak to why there is not
22 a monitor in Pittsburg any longer.

23 Q. Do you think, in your opinion, that we need a local
24 monitoring station?

25 A. I don't believe for this particular project, but for
26 future use, for future purposes, excuse me, that's really

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1 best directed to the Air Quality Management Board.

2 HEARING OFFICER GEFTER: We have hearings scheduled
3 at the end of May on Air Quality. At that hearing a
4 representative of the Bay Area Air District will be here,
5 and you may address that question to that representative.

6 THE WITNESS: That's probably better directed to him.

7 MR. CARPINO: I think it was brought up at your staff
8 input meeting we had in the city. I just wondered where it
9 went.

10 HEARING OFFICER GEFTER: That would have been a
11 workshop with the Commission staff.

12 Any other questions or comments of this witness on
13 the topic of Public Health? Any other member of the public?

14 Hearing no comments or questions, the witness is
15 excused. Thank you.

16 MR. THOMPSON: We'd like to move Exhibit 21 into
17 evidence.

18 HEARING OFFICER GEFTER: Any objection to Exhibit 21
19 being admitted into evidence?

20 Would you like to describe Exhibit 21 for the record.

21 MR. THOMPSON: Revisions to the health risk
22 assessment that were placed into the record and served on
23 the parties on March 4th of this year.

24 HEARING OFFICER GEFTER: Any objections to admitting
25 Exhibit 21 into the record?

26 MR. RATLIFF: No.

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1 HEARING OFFICER GEFTER: Any other party have any
2 comment?

3 Hearing no objection, Exhibit 21 is now admitted into
4 the record.

5 Any other exhibits at this point?

6 MR. THOMPSON: No other exhibits.

7 HEARING OFFICER GEFTER: Thank you. Staff, could you
8 present your witness on the subject of Public Health.

9 MR. RATLIFF: Staff witness is Michael Ringer, who
10 has been sworn.

11 HEARING OFFICER GEFTER: Mr. Ringer, speak up so the
12 audience can hear you. Thank you.

13 BY MR. RATLIFF:

14 Q. Mr. Ringer, did you prepare the portion of the staff
15 assessment entitled Public Health?

16 A. Yes, I did.

17 Q. That's Exhibit 28. And did you prepare the
18 supplemental testimony that was prepared subsequent to the
19 staff assessment?

20 A. Yes.

21 Q. Exhibit 29. Is that testimony true and correct to
22 the best of your knowledge and belief?

23 A. Yes, it is.

24 Q. Do you have any changes to make to it now?

25 A. Actually I have a change that I would like to make.
26 There are a few conditions under the technical area of air

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1 quality that have to do with dust suppression, which is
2 covered pretty much under public health, and I do have one
3 slight change to make in one of the air quality conditions,
4 which I would like to do at this time.

5 Q. You are referring to the air quality testimony to
6 which --

7 A. Yes.

8 (Discussion off the record.)

9 BY MR. RATLIFF:

10 Q. As it pertains to public health?

11 A. Yes.

12 Q. What page is that on?

13 A. It's on page 44.

14 Q. Of the supplemental testimony?

15 A. Of the staff assessment. It's under proposed
16 conditions of certification on page 44, and there's several
17 definitions that are listed there. And number three refers
18 to construction slash demolition activities. And on the
19 first line of that definition I'd like to strike "onsite."

20 Q. That's all of the changes that you would make?

21 A. Yes.

22 Q. Can you summarize your testimony?

23 A. Yes. In the area of public health I'm interested in
24 looking at routine release of emissions from the proposed
25 facility and any impacts they may have on public health.
26 This testimony concerns itself with noncriteria pollutants

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1 which are those toxic substances which are emitted which do
2 not have any ambient air quality standards associated with
3 them. Those which do have ambient air quality standards are
4 addressed under staff's testimony in Air Quality.

5 Since there are no ambient standards associated with
6 toxic pollutants, staff uses a risk assessment methodology
7 to look at these potential public health effects. Risk
8 assessment consists of a few steps, and I'll summarize those
9 briefly.

10 The first step is to look and see which hazardous
11 substances are emitted into the environment and their
12 emission rates. The next step is to try to estimate the
13 ambient concentrations of the emissions from the project
14 using air dispersion modeling. The third step is to
15 estimate exposure levels to people in the area through
16 whichever exposure routes would be applicable, such as
17 inhalation, ingestion, dermal contact. And the last is to
18 characterize the potential health risks by looking at
19 worst-case exposures and comparing those to standards based
20 on known health effects.

21 The risk assessment process is a conservative process
22 in that we're looking to estimate health effects on a
23 worst-case basis, such that in the real world any effects
24 would be likely to be less than what we estimate.

25 This is done using a number of conditions and
26 assumptions, such as assuming the highest level of

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1 pollutants that the plant can emit, assuming weather
2 conditions which would result in the highest concentration
3 of pollutants, calculating health risks to a person at a
4 location where the maximum impacts occur, and using
5 health-based standards designed to protect the most
6 sensitive members of the population, such as the young and
7 elderly, and for cancer, assuming that an individual's
8 exposure occurs at the maximum impact location for seventy
9 years.

10 So this is a screening analysis, and we assume that
11 if this passes muster at the screening level, then no
12 additional analysis needs to be done and that under normal
13 operating conditions, the plant would not pose a significant
14 health risk.

15 We look at a couple different kinds of health
16 effects. We look at cancer, which over the long-term, and
17 for noncancer health effects we look at both short-term and
18 long-term.

19 And taking into account all the factors which I
20 mentioned, the potential cancer risk from the facility --
21 the worst-case cancer risk from the facility is about .5 in
22 a million, which is less than the significance level of one
23 in a million that staff uses. The noncancer risks are far
24 less than the significance levels of one. The acute comes
25 out to be .04 and the long-term or chronic turns out to be
26 .018.

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1 These are all less than what staff considers to be
2 significant, and therefore, under these circumstances, we
3 would consider that the project would not have any
4 significant public health effects.

5 Also I'd like to point out in my supplemental
6 testimony that I've looked at cumulative impacts from this
7 facility and looked at the Delta Energy Center, looked at
8 Dow Chemical, and compared some of the numbers from those
9 facilities with this facility, and again from a cumulative
10 standpoint, I've determine that there shouldn't be any
11 significant public health impacts.

12 Also as part of the supplemental testimony, I've
13 added some material on the use of recycled water for cooling
14 and looking at the staff background paper that was prepared
15 by the Department of Health Services in support of their
16 proposed Title 22 regulations concerning tertiary-treated
17 recycled water in the use of cooling towers, I've determined
18 that the risk from breathing in pathogenic organisms would
19 be less than significant.

20 And then I've included some information on the truck
21 bypass road and looking partly at the original environmental
22 impact report for the truck bypass road, in our conclusions
23 with regard to carbon monoxide and particulate matter, and
24 looking at some of the changes that have occurred since the
25 preparation of that impact statement, which includes lesser
26 amount of traffic than what was originally assumed, and

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1 looking at some of the actions that have been taken to clean
2 up emissions from cars and trucks since that EIR was
3 approved, I've determined that there would be no significant
4 impacts -- public-health-related impacts from the truck
5 bypass route as proposed.

6 That concludes my summary of the testimony.

7 Q. When did you your cumulative impact analysis, you
8 included the PG&E plant, the project, and the Delta project;
9 is that correct?

10 A. I didn't include the PG&E plant per se. I included
11 Dow Chemical and the Delta facility.

12 Q. Is that because of the proximity of the sources?

13 COMMISSIONER ROHY: Speak up, please.

14 BY MR. RATLIFF:

15 Q. Was that because of the proximity of the sources?

16 A. The cumulative impacts, the way I looked at it is a
17 little bit different. There's two ways to look at
18 cumulative impacts from toxics, and one is to look at the
19 overall level of toxics in the air.

20 And to do that I looked at the Bay Area Air Quality
21 Management District's report that they put out. It's an
22 annual toxics report that's required. And in that report
23 they take an average of the toxic monitoring from all over
24 the Bay Area and come up with a risk level from inhalation
25 of toxics. It's been decreasing over the years. I think
26 from 1997 data its down to about a hundred and ninety-four

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1 in a million. So I compared that to this project, which was
2 less than one half in a million.

3 And I should say, too, that the point five in a
4 million from this project is the worst case, where the 194
5 from the Bay Area is more of an average from all the
6 monitoring stations, so they are not really additive. But
7 even if they were, I would conclude that that's not
8 significant -- it's not cumulatively significant.

9 The other way is to look at pollutants from
10 individual facilities and that way you can get into looking
11 at worst cases versus worst case and not just an average in
12 a worst case, so for the Delta facility is -- also for the
13 Dow Chemical facility, the points of maximum impact are not
14 colocated with this facility at all. And the reason I
15 didn't look at the PG&E plant is I was almost certain that
16 that's not colocated, and even if it were, the impacts from
17 this facility are so low I wouldn't consider that
18 significant in any case.

19 Q. In your testimony you described an impact of PDEF --

20 COMMISSIONER ROHY: Speak up, please.

21 BY MR. RATLIFF:

22 Q. You describe the impact of the PDEF plant to be de
23 minimis level. By that you mean the definition used in the
24 CEQA guidelines for de minimis, which is a de minimis
25 contribution means that the environmental contributions
26 would be the same whether or not the proposed project is

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1 implemented?

2 A. Yes. By using the term "de minimis" in describing
3 the one-in-a-million impacts would assume that in all
4 probability that no one would actually get cancer.

5 And I'd like to point out, also, that even if the
6 population were to exceed a million people in the area of
7 impact, that one in a million refers to a particular point.
8 If you were to take the population of a million people and
9 multiply it by .5, or to use your earlier example, two
10 million people times .5, you still wouldn't have a single
11 cancer case because the two million would have to be
12 multiplied by an average cancer risk, not a maximum cancer
13 risk, which the .5 refers to in this case.

14 MR. RATLIFF: I have no other direct for the witness.
15 He's available for questioning.

16 HEARING OFFICER GEFTER: Does the applicant have
17 cross-examination?

18 MR. THOMPSON: We have none.

19 HEARING OFFICER GEFTER: Does city of Antioch have
20 cross-examination? Does CAP-IT have any questions or
21 cross-examination? Delta? The committee?

22 BY COMMISSIONER ROHY:

23 Q. Is ammonia a noncriteria pollutant or is it a
24 criteria pollutant?

25 A. Noncriteria.

26 Q. So it comes under Public Health?

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1 A. Yes.

2 Q. Have you looked at the ammonia slip from this power
3 plant?

4 A. That was included in the emissions from the turbines.

5 Q. Did you consider the ammonia when the engine
6 generator was in the brand new condition or after several
7 thousand hours of operation?

8 A. The maximum expected rates were used, and I don't
9 think that the information that I saw really specified what
10 the conditions, whether it was new. I think it's just taken
11 to be an operational standpoint, so I couldn't really answer
12 that.

13 COMMISSIONER ROHY: I may have to ask the question of
14 the applicant, then.

15 (Pause in proceeding.)

16 MR. THOMPSON: You are still sworn.

17 MR. KOEHLER: The ammonia slip conditions were
18 accounted for in the risk assessment at the expected
19 permitted level of ten parts per million at fifteen percent
20 oxygen on a dry basis. That's expected in the air permit
21 from the Bay Area Air Quality Management District, so it's a
22 permitted limit they are going to have to meet, ten parts
23 per million, and those are the emissions that were used in
24 the analysis emissions based on that maximum expected
25 permitted level of ten parts per million in the stack.
26 BY COMMISSIONER ROHY:

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1 Q. Will you have a monitor to ensure that?

2 A. I can't speak for the applicant. It's going to be a
3 permit condition from the Bay Area Air Quality Management
4 District subject to source tests. I can't speak to whether
5 there's going to be any further type of testing involved.

6 Q. It's my understanding as selective catalytic
7 reduction devices age, the catalyst becomes less effective
8 and requires more ammonia to be injected to achieve the same
9 reduction in oxides of nitrogen, and when that occurs, the
10 ammonia slip increases at the same time. And from my
11 reading of the literature, ten parts per million is a fairly
12 rigid standard.

13 A. It is a rigid standard, and you are correct there is
14 degradation over time from the catalyst. They are still
15 going to be held to the permitted level of ten parts per
16 million. Since I wasn't at previous portions of this public
17 hearing, I don't know if this issue has been addressed.

18 All I can say is that for the purposes of estimating
19 emissions, we estimated those emissions from the ten parts
20 per million. And I can add that I anticipated a possible
21 question on this. I went ahead and looked at the modeling.
22 We have orders of magnitude below odor thresholds even at
23 the ten parts per million in the stack.

24 Q. Let's assume the ten parts per million, and either
25 one of you can answer: If the wind conditions were such
26 that they blew towards the nearest residence, would they

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1 defect the ammonia?

2 A. I don't believe they would, unless there was a
3 serious malfunction. And that's another topic under normal
4 operations. I've calculated the odor threshold at the
5 maximum impact point up on that hill five miles away to be
6 many orders of magnitude below odor threshold.

7 Q. I want to ask about those homes that are eighteen
8 hundred yards or feet, I don't remember the exact measure,
9 the closest home.

10 A. They are actually going to be impacted less than that
11 hill five miles away because of the height of the stack,
12 because the way dispersion works, it will go over them, and
13 the maximum impacts will be further away from where they
14 are.

15 COMMISSIONER ROHY: Thank you.

16 HEARING OFFICER GEFTER: Any other questions from the
17 committee?

18 MR. THOMPSON: Could I recall Joe Patch for two
19 questions?

20 HEARING OFFICER GEFTER: Yeah. Let's complete with
21 this witness. We're not ready yet. Just a second. We'll
22 get to public comment in a minute.

23 BY HEARING OFFICER GEFTER:

24 Q. On proposed condition on public health, PH-1, I
25 didn't notice that there was anything related to fugitive
26 dust control of emissions.

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1 And is that going to be an air quality condition?

2 A. Those are the conditions I referred to in air
3 quality. Those have to do with fugitive dust control during
4 construction, both onsite and at the linear facilities.

5 Q. And would that also relate to emissions of
6 arsenic-contaminated soil as --

7 A. Yes.

8 Q. -- to be controlled?

9 A. Yes. There are four conditions under Air Quality,
10 AQ-1 through 4. And just briefly, the express purpose of
11 those is to keep the fugitive dust down, and these are more
12 stringent than on similar projects because of the arsenic
13 contamination of the soil. Basically these require the use
14 of best available control technology for dust suppression.

15 The project owner would have to give us a dust
16 control plan which utilizes measures from the various tables
17 that are included in these conditions and the tables have
18 different types of control actions to keep fugitive dust
19 down from various types of categories, and then we would be
20 able to review and approve that plan.

21 Q. Would that plan also include capping of that
22 arsenic-contaminated soil, or would it make a difference?

23 A. The AQ-4 there talks about capping with the minimum
24 one-foot thickness on what we call the final footprint as
25 identified in drawing number 5-1 of the Corrective Measure
26 Study. And that's an earlier Corrective Measure Study than

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1 the final, which I understand is out now. But there they
2 have identified the arsenic impacted soil.

3 And absent any action by the Department of Toxic
4 Substance Control to change the health-based risk levels, a
5 one-foot cap would be placed on those areas. Under the
6 verification, if the action or the Health Based Level is
7 changed, then its -- the capping may not be required.

8 Q. When staff files supplemental testimony on Air
9 Quality, would there also be additional Public Health
10 conditions added to your testimony?

11 A. Based on --

12 Q. No. Based on additional testimony filed by staff on
13 Air Quality.

14 A. I don't anticipate that there would be.

15 COMMISSIONER ROHY: Can't hear.

16 THE WITNESS: I don't anticipate that there would be.

17 HEARING OFFICER GEFTER: All right. Are there any
18 other questions of this witness? Okay.

19 I understand that the applicant has additional direct
20 testimony.

21 MR. THOMPSON: Yes. What we would like to do is
22 recall Mr. Patch, he's been sworn, to follow up on the
23 question that was asked by the Commission.

24 HEARING OFFICER GEFTER: Mr. Patch, if you can come
25 forward and speak -- sit right there. I know a member of
26 the committee -- he will be available as part of the panel

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1 to ask questions. Mr. Ringer is still available as a
2 witness. Okay, Mr. Patch.

3 BY MR. THOMPSON:

4 Q. You have been previously sworn.

5 Regarding the SCR, Selective Catalytic Reduction, do
6 you have any comments on the design standard for the SCR
7 with regard to the ammonia slip?

8 A. The design basis for the SCR always understood that
9 the maximum slip allowed would be 10ppm of ammonia. The
10 design basis from the manufacturer, as we have seen it, is a
11 target number of 5ppm.

12 And over time the catalyst does degrade and the
13 replacement of the SCR is typically targeted at the ammonia
14 slip and lack of reduction of NOx across time, so both the
15 NOx production and ammonia slip are designed at a lower
16 level than the permitted level, and as they creep up at some
17 point, that's where the catalyst is replaced prior to
18 reaching the maximum slip of 10ppm.

19 BY COMMISSIONER ROHY:

20 Q. Will you have a monitor for the ammonia slip?

21 A. We will source test for ammonia. We will have Simms
22 continuous emission monitoring system for the NOx.

23 Q. How often do you anticipate having to replace the
24 catalyst to maintain the 10ppm?

25 A. The vendor's guarantees have suggested three years
26 between replacement. Operating plants that we have talked

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1 with suggest it's more like five to seven years.

2 COMMISSIONER ROHY: Thank you.

3 HEARING OFFICER GEFTER: Do you have further
4 questions?

5 MR. THOMPSON: We do not.

6 HEARING OFFICER GEFTER: Recross?

7 MR. RATLIFF: No.

8 HEARING OFFICER GEFTER: Any questions by Mr. Patch
9 by any of the intervenors? Thank you. Mr. Patch remain
10 available.

11 And we have public comment. Many individuals in the
12 audience has questions. Please stand up and state your
13 name.

14 MR. GARCIA: My name is Jack Garcia. You mentioned
15 the truck bypass health study.

16 From what traffic -- what year was the traffic
17 control study made?

18 HEARING OFFICER GEFTER: Is that question to
19 Mr. Ringer? Applicant's witness?

20 Mr. Ringer, if you can answer the question but speak
21 up so the reporter can hear you.

22 MR. RINGER: I looked at the environmental impact
23 report that was originally done for the truck bypass road.
24 That was certified in 1991.

25 MR. GARCIA: Has there any future traffic studies
26 been made since 1991?

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1 MR. RINGER: Ones that I'm aware of, which I think
2 may be touched on Traffic and Transportation testimony, is
3 that the build out of that area is actually less than was
4 considered previously, and therefore, there will be less
5 traffic than was considered before.

6 MR. GARCIA: I think Antioch would like to ask a
7 question, since they built how many thousands of homes since
8 1991.

9 And have you looked at the impact of closing Santa Fe
10 Avenue and the impact on Central Avenue and East 14th
11 Street?

12 And there's a side street there when you close Santa
13 Fe, what's the impact of that neighborhood and the health
14 problems that would be related to the new traffic going down
15 those streets once Santa Fe is closed?

16 HEARING OFFICER GEFTER: So your question is what are
17 the public health impacts of closing the Santa Fe Avenue and
18 opening the new truck bypass?

19 MR. GARCIA: Plus the fact there hasn't been a new
20 traffic study done since 1991 and old Highway 4 has become a
21 commuter alley, and it's not reflected in the '91 traffic
22 study, plus a Marine terminal has been built, and it's
23 allotted a hundred sixty, and maybe the staff could tell me
24 more, a hundred sixty truck trips per day, which I assume
25 would end up on the truck bypass.

26 HEARING OFFICER GEFTER: Mr. Ringer, did you look at

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1 any of the locations that Mr. Garcia is referring to?

2 MR. RINGER: I didn't look at traffic flow patterns.
3 I just looked at the total number of trips that the original
4 EIR versus what Commission staff, I guess, is going to
5 present next as far as the total number of trips go and then
6 regarding the public health impacts.

7 I didn't look at specific locational impacts, but I
8 would just refer to the fact that the air toxicity I
9 referred to earlier from the Bay Area Air Quality Management
10 District. Over the past six years the total risk from
11 inhalation of air toxics has gone down from between five and
12 six hundred in a million down to less than two hundred in a
13 million, and the bulk of that is from clean fuels from
14 vehicles

15 So I would just say from that, then, I would expect
16 impacts to continue to become less due to cleaner burning
17 fuels.

18 MR. GARCIA: Except the fact that there's more
19 traffic generated even though the pollution from vehicles
20 has gone down. That particular area would be greater impact
21 now than it was in 1991 because of the increase in traffic,
22 and it might be reasonable to presume that a new traffic
23 study should have been done before these studies were made.

24 MR. RINGER: I'll have to refer to the Traffic and
25 Transportation staff witness regarding the actual numbers
26 that are projected over the next twenty years.

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1 HEARING OFFICER GEFTER: Thank you. Are there other
2 questions? Please come up so the reporter can hear you.

3 (Discussion off the record.)

4 MR. GARCIA: John Garcia. I'd like to know the
5 height of the stacks because there's some -- it was one
6 height brought up originally, and now we've heard they are
7 going to lower them. I would like to get the height of the
8 stacks as proposed now.

9 HEARING OFFICER GEFTER: Applicant can answer that
10 question. We have a witness from the applicant.

11 MR. PATCH: Yes. The HRSG stacks are proposed to be
12 a hundred fifty feet tall. Ninety-five feet on the
13 auxiliary boiler.

14 HEARING OFFICER GEFTER: Any other questions from
15 members of the public?

16 Hearing no further questions, are there any other
17 witnesses that any party wishes to present? Any questions
18 from committee? Okay.

19 With that the witness -- city of Antioch has some
20 questions or you have a witness?

21 DR. FAISST: I am the witness.

22 HEARING OFFICER GEFTER: Please come forward. Sorry,
23 didn't know the city of Antioch had any witnesses. I think
24 we had gone around before and asked so sorry we missed you.

25 Would you -- are you going to testify?

26 DR. FAISST: Very briefly.

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1 HEARING OFFICER GEFTER: State your name for the
2 record. The witness has previously been sworn, and you are
3 still under oath.

4 THE WITNESS: Dr. William Faisst with Brown and
5 Caldwell representing the city of Antioch.

6 HEARING OFFICER GEFTER: You need to speak up really
7 loud.

8 DR. FAISST: My name is Dr. William Faisst with Brown
9 and Caldwell. I'm representing the city of Antioch. My
10 qualifications were presented in my resume with my written
11 testimony.

12 Tonight I'm discussing -- following up on issue 1.4
13 in the Antioch testimony, namely microbes and viruses from
14 using tertiary-treated waste water.

15 First, before starting, I'd like to reiterate that
16 the city of Antioch is very supportive of using tertiary
17 affluent for power plant cooling and other appropriate uses.

18 I have one minor correction on my testimony on
19 paragraph four, line five, word eight. It currently reads
20 in capitals "HOHS." That should read "DOHS."

21 My testimony summarized public health concerns
22 regarding the application of recycled water to cooling
23 towers at the Pittsburgh District Energy Facility -- issues
24 of reliability. I had put forward five proposed conditions
25 of certification.

26 Approximately an hour and ten minutes ago I received

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1 a copy of the letter from Mr. John Koehler, which, based on
2 my preliminary review, substantially addresses the first two
3 points that I made regarding the method of disinfection and
4 the performance of the proposed drift eliminators. I
5 appreciate that information.

6 I would remain concerned regarding how the drift
7 eliminator performance would be measured and verified during
8 power plant commissioning and startup.

9 HEARING OFFICER GEFTER: Speak up because we now have
10 noise.

11 DR. FAISST: How the applicant will provide for
12 ongoing monitoring to measure the continual effective
13 performance of the drift eliminators and whether the
14 applicant should do, on a periodic basis, downwind
15 monitoring to verify performance of the drift eliminators in
16 the absence of public health risk. That summarizes my
17 testimony.

18 HEARING OFFICER GEFTER: Does the applicant have
19 cross-examination of the witness?

20 MR. THOMPSON: We do not.

21 HEARING OFFICER GEFTER: Does staff have
22 cross-examination?

23 MR. RATLIFF: Yes, please.

24 BY MR. RATLIFF:

25 Q. Dr. Faisst, could I ask you -- I only want an answer
26 if you, in fact, know, but do you know whether or not

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1 tertiary-treated water can be used and is used to irrigate
2 --
3 MS. MENDONSA: Can't hear.
4 BY MR. RATLIFF:
5 Q. -- to irrigate parks and playgrounds?
6 A. Unrestricted tertiary water has been used to irrigate
7 parks and playgrounds. It is approved by the Department of
8 Health Services in their proposed title -- there are
9 existing regulations allowed in the proposed regulations.
10 Q. Is it permissible to use such water in the swimming
11 pools?
12 A. As far as I know it's not permitted directly into
13 swimming pools, but there is a provision, I believe, in
14 Title 24 to using it in recreational lakes where body
15 contact could occur.
16 Q. Title 22?
17 A. Title 22 water, yes.
18 MR. RATLIFF: Thank you.
19 HEARING OFFICER GEFTER: Does any other party have
20 questions of this witness? Thank you very much.
21 Do members of the public have any questions on the
22 issues of Public Health?
23 That would conclude our testimony on Public Health
24 and move on to the next topic, which is Traffic and
25 Transportation. Before we move on to the next topic, we're
26 going to give the reporter a break for five minutes. We're

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1 going off the record.

2 (A brief recess was taken.)

3 HEARING OFFICER GEFTER: We're back on the record,
4 and we're going to be taking testimony on the topic of
5 Traffic and Transportation. Ask the applicant to begin with
6 their witness.

7 MR. THOMPSON: Thank you. Applicant calls Mr. Robert
8 Ray, who has been previously sworn.

9 BY MR. THOMPSON:

10 Q. Mr. Ray, was the subject area of Traffic and
11 Transportation performed by you or under your direction?

12 A. It was performed under my direction.

13 Q. And have you read it, reviewed it, and adopted it as
14 your own?

15 A. Yes, I have.

16 Q. Do you have any corrections, additions, or deletions
17 to that material?

18 A. I do not.

19 Q. Would you please summarize your testimony and the
20 exhibit you are sponsoring, which is Exhibit 1-5.11, the
21 Traffic and Transportation section of the AFC.

22 A. Yes, I will. The traffic assessment for the
23 Pittsburg District Energy Facility project focused on
24 project effects on local roadways due to construction and
25 operation of the project.

26 The assessment considered the current circulation

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1 patterns in the project vicinity and the existing and
2 predicted future levels of service at key intersections.

3 The proposed project is located in the northeast part
4 of the city of Pittsburg. All of the project-related
5 workers and trucks will pass through the proposed facility
6 entrance on East 3rd Street, east of Harbor Street.

7 The city presently has two designated truck routes
8 serving the industrial areas on 3rd Street. Both existing
9 routes utilize Highway 4 and the Loveridge Road interchange.
10 The first route utilizes California Avenue west to Harbor
11 Street north to connect to 3rd Street. The second route
12 utilizes Loveridge Road north to the Pittsburg/Antioch
13 Highway, west to East 14th Street, west to Solari Street,
14 north to East 10th Street, east to Harbor Street, and north
15 to connect to 3rd Street.

16 The Atchison, Topeka, and Santa Fe railroad and the
17 Union Pacific Railroad operate active mainline and spurred
18 tracks within one half mile of the project site. Inactive
19 rail lines are within several hundred feet of the proposed
20 site.

21 A key aspect of the proposed project is the truck
22 bypass road, which would be a new two-lane highway similar
23 to the waterfront truck route proposed and assessed in a
24 1991 EIR by the city of Pittsburg. The truck bypass road
25 would serve to bring industrial truck traffic from the
26 Pittsburg/Antioch Highway just east of Columbia Street to

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1 Harbor Street and be a new roadway to be constructed
2 parallel to Columbia Street and Santa Fe Avenue.

3 The truck bypass road would also include a
4 twelve-foot-tall sound wall to mitigate noise as well as a
5 greenbelt.

6 Construction activity is scheduled to occur between
7 6:00 a.m. and 6:00 p.m., however, construction activity will
8 normally occur between 7:00 a.m. and 4:00 p.m. on weekdays.
9 It is assumed that workers will arrive at the site in the
10 onsite construction staging area between 6:30 and 7:30 a.m.
11 and leave the site between 4:00 and 5:00 p.m. Construction
12 personnel traffic is highly directional with the vast
13 majority arriving in the morning and leaving in the
14 afternoon.

15 For purposes of this study, it was assumed that all
16 of the labor forces inbound to the site in the morning and
17 outbound from the site in the afternoon. Conservatively,
18 the average automobile occupancy is assumed to be one per
19 vehicle. Construction personnel traffic generation was
20 based on a peak five-month labor force of an assumed
21 approximately two hundred sixty-three or two hundred
22 sixty-four persons per day, with seventy percent arriving or
23 departing in the thirty-minute periods before 7:00 a.m. and
24 departing from 4:30 p.m. The remaining thirty percent
25 arrive or depart in the thirty-minute periods after 7:00
26 a.m. and 4:30 p.m. The average onsite work force of the

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1 remaining fifteen months of construction is assumed to be
2 approximately a hundred thirty-four persons per day.

3 Onsite truck trip generation is based on the peak
4 five months of truck deliveries and an assumed one hundred
5 forty-nine per month and is the equivalent of seven truck
6 deliveries per day or fourteen inbound plus outbound truck
7 trips per day. Truck trips carrying construction material
8 are assumed to be evenly distributed throughout the day.

9 In summary with implementation of the
10 applicant-committed mitigation measures and CEC conditions
11 of approval, no significant traffic impacts are expected to
12 result from construction or operation of the project.

13 Q. Have you reviewed the staff proposed conditions of
14 certification and verification and recommend to the
15 Pittsburg District Energy Facility that they adopt those
16 conditions and certifications?

17 A. Yes, I do.

18 Q. Lastly, are you familiar with Exhibit 39?

19 A. Yes, I am.

20 Q. Does the designation of the truck bypass road on
21 Exhibit 39 reflect its location?

22 A. Generally yes, it does.

23 MR. THOMPSON: Thank you very much, Mr. Ray.

24 Mr. Ray is tendered for cross-examination.

25 HEARING OFFICER GEFTER: Does staff have any
26 questions of the witness?

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1 MR. RATLIFF: No.

2 HEARING OFFICER GEFTER: City of Antioch? CAP-IT, do
3 you have any questions? Delta? No. Okay.

4 Staff, would you like to present -- did the committee
5 have questions of the witness?

6 COMMISSIONER MOORE: I just have one.

7 BY COMMISSIONER MOORE:

8 Q. I was interested in precision, as anyone else. I'm
9 curious about the average figure of one in the cars.

10 A. I guess you can say that's a worst-case assumption.
11 You can't get any less than one, I don't believe.

12 Q. I figured it was the worst case. I was just
13 wondering how you got the average.

14 COMMISSIONER MOORE: We can go on.

15 BY HEARING OFFICER GEFTER:

16 Q. In both the AFC and in staff's testimony there is
17 reference to Pittsburg's intent to develop a neighborhood
18 linear park in the open area north of Santa Fe Avenue and
19 south of the sound wall.

20 Are you familiar with that proposal?

21 A. Yes, I am.

22 Q. Can you describe that to us?

23 A. I'm familiar that the way it's been described to me
24 is it would be, at a minimum, that there would be likely a
25 grassy area between the sound wall and the edge of the park
26 area. I know that there's been various proposals that have

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1 been looked at in terms of ways to prevent graffiti on the
2 sound walls, so there would likely be -- I think probably a
3 representative from the city or perhaps from the applicant
4 might be in a better position to describe the details of
5 that.

6 Q. Do you know if the proposed truck bypass road crosses
7 an active railroad line?

8 A. I do not. I'm not aware of it crossing an inactive
9 rail line.

10 (Pause in proceeding.)

11 BY HEARING OFFICER GEFTER:

12 Q. In the AFC and also in staff's testimony the
13 anticipation is that construction traffic during the first
14 two months of construction would see the highest number of
15 truck deliveries, about nine hundred and thirty-five truck
16 deliveries per month in the first two months, and at the
17 same time in the first two months of construction is also
18 the period of time that the truck bypass road is being
19 constructed.

20 How is the applicant and the city planning to deal
21 with that extra truck traffic while you are also building a
22 road?

23 A. My understanding is from -- I did not conduct the
24 assessment. It was done under my direction, but my
25 understanding is that the findings were that there would be
26 alternate routes of ingress and egress from the project site

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1 and that there were not any projected significant impacts
2 during the construction phase.

3 HEARING OFFICER GEFTER: Do we have any other
4 questions from the committee? Does the applicant have
5 redirect of the witness?

6 MR. THOMPSON: No.

7 HEARING OFFICER GEFTER: Are you planning to bring
8 another witness forward on this topic?

9 MR. THOMPSON: Yes.

10 HEARING OFFICER GEFTER: The witness may be excused.

11 MR. THOMPSON: Applicant would like to call Mr. Joe
12 Patch, please, Mr. Patch has been previously sworn.

13 (Pause in proceeding.)

14 BY MR. THOMPSON:

15 Q. Mr. Patch, Ms. Gefter asked a question regarding
16 whether or not the truck bypass road crosses an active rail
17 line.

18 Would you like to respond to that question?

19 A. Yes. As currently proposed in the layout as
20 identified in the AFC, it does not cross any rail line
21 active or inactive.

22 Q. Secondly, with regard to the number of trucks in the
23 first two months, would you lay out the sequencing of the
24 events when construction would actually occur on the job
25 site, power plant site, when construction would begin on the
26 truck bypass road?

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1 A. The proposed schedule is identified in the AFC
2 schedules the beginning of the truck bypass road to begin.
3 Two months into the construction of the bypass road, the
4 actual mobilization onsite at the plant site, the
5 twelve-acre site will begin.

6 Initial activities at the site will be mobilizing
7 equipment, setting up trailers, bringing in phone lines,
8 getting power drops in place for the construction itself,
9 bringing in the initial equipment necessary to grade the
10 site, to bring in some of the fill materials that will
11 probably be required to bring the site up to some workable
12 grade prior to beginning foundation work.

13 That initial sequence is a couple of months' worth of
14 work. At that time the bypass road would be completed and
15 the volume of traffic or the anticipated volume of traffic
16 that would initially supply the site would then use the
17 bypass road.

18 Q. Finally with regard to worker cars, would the
19 majority of those come after the truck bypass road is
20 complete?

21 A. Yes. Buildup on the front end of the project,
22 manpower buildup is really slow. There is a manpower curve
23 that is shown in the AFC.

24 MR. THOMPSON: That's all we have.

25 HEARING OFFICER GEFTER: Does staff have any
26 cross-examination of the witness?

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1 manager for the city of Pittsburgh.

2 Q. How long have you been in that position?

3 A. Been in that position for one year and three months.

4 Q. How long have you been a resident of the city of

5 Pittsburgh?

6 A. Born and raised in the city of Pittsburgh. I've been

7 gone for twenty years and just returned.

8 Q. Congratulations.

9 A. Thank you.

10 Q. With regard to the park between the -- by the sound

11 wall that we have been discussing, are you familiar with

12 that park?

13 A. Yes, I am.

14 Q. Would you please describe what the park -- what the

15 city believes the park will look like.

16 A. The park as proposed at this particular time would

17 allow for a connection between the western and eastern part

18 of the community. Through discussions with our park planner

19 and citizens of the Central Addition, we have prioritized

20 from a standpoint of having a trail way that will have grass

21 areas. It will have a trail that will be used by bicyclist

22 and people pushing carriages or what have you. We are

23 looking at possible designs that would include a Frisbee

24 park course, things that would be passive in nature but also

25 allow for people to enjoy the park.

26 MR. THOMPSON: Thank you very much.

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1 HEARING OFFICER GEFTER: Does the staff have any
2 cross-examination of the witness?

3 MR. RATLIFF: No.

4 HEARING OFFICER GEFTER: Any other party have
5 cross-examination of the witness? Committee?

6 BY COMMISSIONER ROHY:

7 Q. Yes. I have a hard time imagining this park, so bear
8 with me a moment. You mention there would be pedestrian
9 activity, perhaps bike trails.

10 Is there any possibility of children playing in the
11 park being exposed to truck traffic, or what precautions
12 might there be to prevent any interaction between cars and
13 children?

14 A. Probably the biggest obstacles for trucks running
15 into children will be a wall itself.

16 Q. The wall is between the park and the road?

17 A. Yes.

18 COMMISSIONER ROHY: Thank you.

19 HEARING OFFICER GEFTER: Any other questions?

20 BY COMMISSIONER MOORE:

21 Q. I have a couple questions. My first question is: Do
22 I understand that the wall is between the road and the
23 residences and that the park is, then, on the inside of the
24 wall?

25 A. That's correct.

26 Q. So the wall would literally be up against the road.

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1 There's no chance that anyone that is using that park would
2 be able to move beyond the wall and into the roadway.

3 That's the way you visualize it now?

4 A. I would say it's difficult, but not impossible.

5 Q. I shouldn't have made it sound like it's impossible.

6 We had a question that was raised at one of the
7 previous meetings, let me see if I can go farther with it;
8 that is, how would the city intend to maintain this park?

9 Is there any kind of a dedicated sinking fund or
10 enterprise fund of any kind within the city budget that can
11 be sequestered in such a way that a park like this gets
12 continued ongoing maintenance, isn't subject to raids of the
13 general fund such as so many other programs are?

14 A. In talking with city manager as late as 4:00 o'clock
15 today, Mr. Kolin indicated that the city would be
16 responsible for the public areas, also indicated we
17 currently have a lighting and landscaping district that we
18 would look to pay for part of the maintenance.

19 Q. So the landscape district encompasses this whole area
20 right now?

21 A. It does not at this current time, but we would put it
22 back out for a vote.

23 Q. Is there a chance that -- I don't know where your
24 lighting landscape district boundaries are, but is there a
25 chance that you could extend the current landscape district
26 linearly down the park and let the existing residents of the

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1 city that's already covering it or would you, because of
2 necessity, have to send it through what you would refer to
3 as the central district?

4 A. My understanding without checking, and I'll ask
5 someone to nod, is that the lighting and landscaping
6 district is city wide and that would cover the entire city
7 limits.

8 Q. So you already have a charge that is set up city wide
9 for that, and as a consequence of failure of a vote on this
10 wouldn't be because the neighborhood didn't want it. It
11 would be because on a city-wide vote they declined to
12 support it?

13 A. That's correct.

14 Q. Do you know what the rate is currently on your
15 district?

16 A. I'm not sure what it is.

17 Q. Seventy-seven per parcel? Flat per parcel?

18 HEARING OFFICER GEFTER: I'm sorry. We want to have
19 the witness speak right now, so strike the comments from the
20 audience from the record. The witness testified and
21 answered the question from the commissioner, please.

22 THE WITNESS: I'm not sure.

23 BY COMMISSIONER MOORE:

24 Q. I'm going to assume it's nominal. Maybe under a
25 hundred dollars a year. Thank you.

26 A. You are probably correct.

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1 COMMISSIONER MOORE: Thank you.

2 BY HEARING OFFICER GEFTER:

3 Q. There is also some information in the Application for
4 Certification and in staff's analysis regarding an
5 overcrossing that the city and Enron have agreed to put near
6 the Central Addition to cross over.

7 Is that 14th Street?

8 A. To an additional park site, that's correct.

9 Q. Can you describe that for us and speak up so the
10 reporter can hear you?

11 A. It's my understanding we have a walkover because for
12 young people to access the park, they will have to go over a
13 bridge structure to come into the park area, whereas right
14 now they could walk into the park. In order to make the
15 project work and the bypass road to work, you would have to
16 have the bridge to be constructed.

17 Q. Where exactly would that bridge be constructed?

18 A. I believe that is on Central -- I believe Central
19 Avenue.

20 HEARING OFFICER GEFTER: The applicant would like to
21 conduct some redirect of his witness.

22 MR. THOMPSON: If I could ask a point of
23 clarification.

24 BY MR. THOMPSON:

25 Q. When you just referred to access to the park, you are
26 not referring to the linear park that you were just

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1 describing?

2 A. No. I'm referring to Central Park itself.

3 Q. Where the ball field is?

4 A. Where the ball field is.

5 HEARING OFFICER GEFTER: Thank you.

6 BY HEARING OFFICER GEFTER:

7 Q. There was a letter dated April 15th to the committee
8 from the Power Plant Advisory Committee, and here that has
9 been working with the Enron project regarding a condition
10 that Enron complete the landscaping and amenities to Central
11 Park and the Santa Fe and Columbia greenbelts at the same
12 time as the bypass road is built.

13 Are you familiar with that request?

14 A. Yes. I'm on the committee.

15 Q. Can you explain to us the purpose of that request to
16 the Energy Commission committee?

17 A. I think if you look historically at Pittsburg, there
18 are people that live in the Central Addition who have been
19 requesting a park for a number of years to allow their
20 children to play. If you go back a number of years, the
21 main city park was actually built for the Central Addition
22 and the homes within that area. But as the city has grown,
23 people within Central and the changing population that's
24 moved in with younger children have all asked for a park.

25 And I believe that there was a -- I don't want to say
26 distrust but a feeling that the park would not be built

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1 unless there was a condition placed on the project.

2 Q. Is the city in favor of participating in building
3 that park?

4 A. Yes.

5 HEARING OFFICER GEFTER: Are there any other
6 questions of this witness from the parties?

7 The witness may be excused. Thank you.

8 Does the applicant have any other witnesses?

9 MR. THOMPSON: We do not.

10 HEARING OFFICER GEFTER: I have a question for the
11 applicant with respect to this request by the Power Plant
12 Advisory Committee to complete the landscaping and amenities
13 to Central Park and the Santa Fe and Columbia Street
14 greenbelts at the same time as the bypass road is completed.

15 Would the applicant be willing to agree to that
16 proposed condition on the part of the Power Plant Advisory
17 Committee? Do you have a witness that could testify to
18 that?

19 (Discussion off the record.)

20 MR. THOMPSON: Could I ask Mr. Sam Wehn to respond?
21 He's been previously sworn.

22 MR. WEHN: I think the answer to that question is
23 that we are working with the city to develop the plan to
24 finalize that park in terms of a schedule as well as to
25 refine the actual design.

26 We have a design that the city proposed, presented it

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1 to the residents of Central Addition. They've been given
2 some feedback. I think they are going back to the drawing
3 board to make adjustments to the location of the ball field,
4 but overall I believe that we are going to work collectively
5 in an effort to try to finish that ball field or the park,
6 excuse me, the entire park by the time the plant goes into
7 commercial operation.

8 Now, I will also qualify that by saying there will be
9 an effort to try to finish it sooner than commercial
10 operation but not later than.

11 HEARING OFFICER GEFTER: Would the applicant object
12 to the committee adding a condition to the Traffic and
13 Transportation section of the proposed decision regarding
14 the building of this park?

15 (Discussion off the record.)

16 MR. WEHN: We have no problem with adding that as a
17 condition.

18 HEARING OFFICER GEFTER: Thank you. Are there any
19 other questions of the applicant's witness by any of the
20 other parties?

21 Does staff have a question of the witness, any
22 cross-examination?

23 MR. RATLIFF: No.

24 HEARING OFFICER GEFTER: Does any other party have a
25 question of the witness? Any member of the committee?

26 The witness may be excused. Thank you. We'll

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1 continue with this topic, and we will ask staff to present
2 its witnesses at this point.

3 MR. RATLIFF: The staff witness in Traffic and
4 Transportation is Dave Flores.

5 (Witness sworn.)

6 BY MR. RATLIFF:

7 Q. Mr. Flores, did you prepare the staff testimony in
8 the staff assessment entitled Traffic and Transportation?

9 A. Yes, I did.

10 Q. And the supplementary testimony Exhibit 29?

11 A. Yes, I did.

12 Q. Is that testimony true and correct to the best of
13 your knowledge and belief?

14 A. Yes, it was.

15 Q. Still is?

16 A. Yes.

17 Q. Do you have any changes you'd like to make in it
18 today?

19 A. No, no changes.

20 Q. Could you summarize that testimony?

21 A. The report summarizes staff's independent analysis of
22 the potential traffic and transportation associated with the
23 construction and operation of the Pittsburg plant. Staff
24 looked at the impacts of level of service impacts, also the
25 encroachment upon right-of-ways, the level of service that
26 will occur during construction and also at the time that the

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1 facility is completed.

2 Staff also summarized the appropriate laws,
3 ordinances, regulations, and standards, which are the LORS,
4 associated for the project for compliance with both federal
5 state and local agencies.

6 Under the project setting staff identified the
7 existing local roadway and existing highway systems in the
8 area and also, again, determined the current levels of
9 service along those local roadways to determine the traffic
10 impacts associated during the construction period. In all
11 instances, the level of service for the local roadways that
12 would be impacted by the construction of this project will
13 either be within A through C.

14 For clarification, essentially the levels of service
15 measurements represent the flow of traffic. In general LOS
16 ranges from A, which is free-flowing traffic, to F, which is
17 heavily congested with stoppage of the flow, so that just
18 identifies, essentially, what's happening as to the level of
19 service that staff looks at.

20 Under the accident analysis, which is on page 43 of
21 the staff report, traffic accident records for the past
22 three years, which is 1995 through '97, were reviewed and
23 compared with statewide average accident rates to determine
24 if any of the primary access roads experience unusually high
25 numbers of accidents.

26 The data provided by the project's consultant reflect

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1 the primary access roads to the power plants accident rates
2 will be well below the statewide average. They are listed
3 in the charts, which is located on pages -- AFC page
4 5.11-19.

5 The applicant's consultant did discuss under
6 construction phase the commute traffic that will be involved
7 with truck traffic and also the impacts associated with the
8 number of workers, and staff concurs with their analysis as
9 to what they provided as to the number of truck deliveries
10 and impacts involved.

11 Under linear facilities, the construction of the
12 reclaimed water supply and waste water discharge lines along
13 the Pittsburg/Antioch Highway may be lended by several
14 utilities that are currently buried in both shoulders. As a
15 result, between the southern end of the new truck bypass
16 road and Loveridge Road insulation of some of the sections
17 of these pipelines may encroach within the highway.

18 The applicant has committed to limit construction in
19 a specific area between 9:00 a.m. and 2:30 p.m. or after
20 7:00 p.m. With implementation of this mitigation measure,
21 construction of the pipeline in this area would not be
22 expected to produce a significant impact.

23 In recent public workshops, specifically the March
24 24th hearing in Pittsburg, the city of Antioch also
25 requested consideration in limiting construction activities
26 during the peak traffic times at key intersections,

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1 especially at Somerville Road and Buchanan Road, Opportunity
2 an important commute and retail corridor. Staff has
3 modified their conditions of certification to address those
4 time frames for construction in these areas to offset the
5 peak traffic areas.

6 As to the truck bypass road, this proposed road was
7 to mitigate existing truck traffic impacts in the area. The
8 northwestern industrial area of the Pittsburg generates
9 substantial vehicle and truck traffic which currently passes
10 through residential and commercial areas of the designated
11 truck routes.

12 As indicated in the report, the truck bypass road was
13 initially addressed in the waterfront truck route
14 environmental impact report that was certified by the city
15 of Pittsburg in 1992. The proposal was a mitigation measure
16 also that was identified in the Hung Li International Marine
17 Terminal EIR and also the GWF EIR that was conducted in
18 1989.

19 The proposal was to consolidate truck traffic
20 traveling between industrial areas and the city of Pittsburg
21 to Highway 4 onto a route that was more structurally
22 appropriate and could efficiently handle the heavy trucks.

23 The average daily truck volumes are estimated along
24 this truck bypass road as three thousand vehicles with up to
25 thirty-five daily trips during the p.m. peak hour. The p.m.
26 peak hour as opposed to the a.m. peak hour is evaluated

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1 because it reflects the highest level of traffic volumes on
2 a weekday.

3 Also staff looked at a twenty-year build out scenario
4 for this area, and it was determined in the waterfront EIR
5 that approximately eleven thousand vehicles traffic would
6 occur along this truck bypass road, although this was in
7 anticipation of a major build out of this industrial area.
8 The consultant identified thirty-nine hundred vehicle trips
9 over a twenty-year period, so staff concurs with the
10 thirty-nine hundred daily trips would be made on this truck
11 route. Of those, twelve percent would be associated with
12 truck traffic.

13 Also as part of our analysis staff looked at
14 alternative truck route proposal this is identified on page
15 48 of your report. Because as indicated in the 1992
16 environmental impact report for the water truck EIR, it
17 discussed two alternatives.

18 The secondary alternative was found not to be cost
19 effective due to the cost associated with major improvements
20 along the Santa Fe Railroad crossing and other associated
21 roadway compaction requirements, essentially the soil types
22 are of a bay mud soil which would cause possibly
23 liquefaction, so there would be constantly repairs to that
24 roadway, so staff did not consider that secondary
25 alternative.

26 The preferred alternative route is identified in the

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1 report, and essentially it would begin at the end of
2 Loveridge Road and terminate at the USS/POSCO main gate and
3 would extend westerly and northerly to 3rd Street.

4 Major features of the preferred route would be to
5 conduct a new street south of an older roadway that has
6 since been abandoned, which was at that time named Columbia
7 Street and now it's used by Posco.

8 The new roadway would also cross the Santa Fe tracks
9 and proceed eastward to Loveridge Road. The impacts
10 associated with this truck route alternative is that the 3rd
11 Street traffic would be diverted to this route, lessening
12 the impact on the existing truck route. More likely 10th
13 Street traffic would not use this route.

14 There would be a demolition of two industrial
15 structures that are located on Columbia Street and Loveridge
16 Road. It would provide better access route for future uses
17 and developed land in the vicinity.

18 Although the alternative route was considered in the
19 waterfront truck EIR, there are also problems associated
20 with this alternative. Essentially this roadway would
21 interfere with property that's currently owned by Posco and
22 would require either consideration by Posco to release this
23 land and dedicate necessary right-of-ways to the city of
24 Pittsburg or the city of Pittsburg would have to go through
25 appropriate condemnation proceedings, which could take
26 years.

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1 So at this point staff felt that the proposed truck
2 route as delineated within the AFC is the most appropriate
3 roadway for the truck bypass road. Also the alternative
4 also would cross an existing railroad crossing, which would
5 also -- there could be problems with truck and vehicle
6 accidents at this location.

7 So at this point under cumulative impacts, staff did
8 discuss the Delta Energy Center, which is being proposed,
9 and during construction of the PF Pittsburg property
10 proposal. Staff did not see any cumulative impacts that are
11 expected for the following reasons:

12 At peak construction traffic at the Pittsburg plant
13 will occur before peak construction traffic begins at the
14 Delta Energy Center. Also traffic for the Pittsburg plant
15 will not use the same access roads used by Delta Energy
16 Center. Delta Energy Center will use Somerville Road
17 turnoff from Highway 4, west on Pittsburg/Antioch Highway,
18 and then north on Hartley Lane to the project site.

19 As indicated, Pittsburg will utilize Loveridge Road
20 turnoff from Highway 4 and then west on the
21 Pittsburg/Antioch Highway and northwest on the newly
22 constructed bypass road to Harbor Street and then north to
23 Harbor Street to 3rd Street to the project site.

24 Staff has also identified the compliances with laws,
25 ordinances, regulations, and standards, which are the LORS.
26 Also staff has discussed facility closure and mitigations

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1 are listed beginning on page 55 of your report. That
2 concludes my report.

3 Q. Thank you, Mr. Flores. Before we move on to
4 questions, I wonder if you could explain the overhead that
5 you have prepared today that is in your written testimony as
6 alternative B, and specifically discuss for the committee
7 the existing truck routes in the city of Pittsburg and which
8 ones would be discontinued if the new bypass is approved.

9 HEARING OFFICER GEFTER: Before we talk about this
10 document, let's identify where it is. It's in --

11 MR. RATLIFF: The supplemental testimony page 16.

12 THE WITNESS: Under figure four staff has identified
13 truck routes that are located within the vicinity of the
14 truck bypass road and determined that these roadways --
15 proposed -- existing truck routes would have to be abandoned
16 to direct the traffic to the bypass road, and so staff has
17 identified those truck routes which are essentially located
18 along Harbor Street also between East 14th Street and also
19 along Columbia and Santa Fe Avenue, and so staff has
20 identified those within the exhibit.

21 BY MR. RATLIFF:

22 Q. Is that exhibit, I'm trying to understand it, does
23 that include current truck traffic on Central Avenue?

24 A. Yes, it does.

25 Q. And on 14th Street the southern boundary of the
26 Central Addition?

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1 A. Yes, it does.

2 Q. And is it also on Harbor Street?

3 A. Yes. On the Western boundary of Harbor.

4 Q. Is it your understanding those routes would be closed

5 -- is that the project that the EIR considered was the

6 closure of those routes with the creation of this bypass?

7 A. Yes. The waterfront EIR discussed that these roads

8 would have to be abandoned to make it more effective for

9 this truck bypass road to move the traffic, especially the

10 trucks over this bypass road, to alleviate the problems

11 involved with, in the past, where the public has voiced

12 concern regarding, you know, the noise levels and pollution

13 within these areas.

14 Q. Is it your understanding that if this project is

15 adopted, those routes would be closed with the opening of

16 the bypass route?

17 A. I would assume that they would be, although that

18 would be a decision by the city of Pittsburgh to make. Staff

19 has not identified these as mitigations.

20 Q. But that is not one of the conditions that you've

21 included in your testimony?

22 A. That's correct.

23 MR. RATLIFF: The witness is available for

24 questioning.

25 HEARING OFFICER GEFTER: Does the applicant have

26 cross-examination of this witness?

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1 MR. THOMPSON: We do not. Thank you.

2 HEARING OFFICER GEFTER: Does any other party have
3 cross-examination of the witness? Does the committee have
4 questions?

5 BY COMMISSIONER MOORE:

6 Q. First, in doing the analysis on the part of staff,
7 are you bound, in any way, to honor the existing EIR that
8 was done, or are you free under the rules of inquiry that we
9 operate under to use the best information or to, in fact,
10 come up with new alternatives, as you see fit? How bound
11 are you to the fact that this was an existing EIR on this
12 suggested route?

13 MR. RATLIFF: Commissioner, can I assume that's a
14 question to me.

15 COMMISSIONER MOORE: I can ask that of you,
16 Mr. Ratliff, that's fine.

17 MR. RATLIFF: I think it is a legal question, and
18 I've given at least two minutes thought beforehand, if I can
19 just read the applicable sections?

20 COMMISSIONER MOORE: Let me hold back, then. You
21 look that up. I have a couple of technical questions for
22 Mr. Flores.

23 BY COMMISSIONER MOORE:

24 Q. The first is as I look at the map and not being a
25 long-time resident of Pittsburg as so many people here are,
26 was there not an alternative outside whatever the EIR

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1 suggested that would have simply had the route coming down
2 the Pittsburgh/Antioch Highway, becoming East 14th Street,
3 and turning right on Harbor, eliminating the dog leg? Was
4 there not a possibility that that could have been a more
5 direct route that might have sufficed to get traffic in and
6 out of the site?

7 A. No, that was not identified in the AFC.

8 Q. That's not the question I asked. I'm asking as
9 someone who looks at traffic and someone who analyzes the
10 situation, was that not a feasible -- could it have been a
11 feasible alternative?

12 A. It could have been, yes.

13 Q. And my other question is: Was Posco approached about
14 needing land off?

15 It seems to me given the nature of the improvements
16 that would ensue city wide, if I look at all the arrows, I'm
17 on your figure four, alternative B, and there are one, two,
18 three, four, five, six, seven, eight existing truck routes
19 that are called out that you've indicated are potential
20 candidates for removal or closure if the alternative goes
21 into place. That's a lot of benefit for the city of
22 Pittsburgh residents, existing residents, and might
23 conceivably provide some incentive to go and negotiate with
24 Posco to say, "You know what, you are not using all that
25 land. This is a good public purpose dedication. Maybe
26 we've got something we can trade."

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1 To your knowledge was that attempted at all was?

2 A. Not to my knowledge. They were present at the
3 workshop, a representative from Posco, which did indicate
4 that certain portions of their land was under long-term
5 leases, that there were structures in certain areas, and so
6 that was brought up by representatives but that's the extent
7 of it.

8 Q. As a traffic professional, if you had an absolutely
9 clean sheet of paper, would the idea of using the front end
10 of the Posco lands as the alternative truck route be an
11 attractive option?

12 A. Yes, it would be.

13 COMMISSIONER MOORE: Mr. Ratliff?

14 MR. RATLIFF: Yes. I think I would -- I'll read to
15 you first the paragraph and summarize the remaining portion.
16 It's a lengthy section. The section I'm reading from is
17 section 15162 --

18 HEARING OFFICER GEFTER: Speak loudly.

19 MR. RATLIFF: -- of the California Environmental
20 Quality Act guidelines, and that reads: "When an EIR has
21 been certified or a negative declaration adopted for a
22 project, no subsequent EIR shall be prepared for that
23 project unless the lead agency determines, on the basis of
24 substantial evidence in light of the whole record, one or
25 more of the following." And then there are three exceptions
26 where the agency could, in fact, redo an EIR for a project

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1 or certified EIR for a project.

2 If I can, I would describe those as being substantial
3 changes in the proposed project itself, that's the first
4 one; substantial changes in the circumstances of the
5 project, being the second one; and the third one, new
6 information concerning the impacts of the project that were
7 not known and could not reasonably have been known at the
8 time the original EIR was certified.

9 COMMISSIONER MOORE: I accept that, but let me ask:
10 Is there not also a corollary that is possible; and that is,
11 when it's deemed that the EIR doesn't fit exactly the
12 project that's being described.

13 So if the EIR was done in anticipation of a
14 tremendous amount of growth that may or may not have
15 arguably occurred within the central district, and now this
16 project comes along that is demanding of a traffic route but
17 perhaps not the exact same one that was covered in the
18 original EIR, isn't that an exception or is that not, at
19 least potentially an exception similar to the three that you
20 mentioned?

21 MR. RATLIFF: I think the committee would have to
22 determine whether or not what you are describing are changes
23 that substantial changes in the circumstances of the --
24 under which the project is being undertaken based on this
25 constitutes substantial evidence of those kinds of
26 substantial changes.

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1 If you believe that it were, then I suppose you could
2 require a new environmental document. On the other hand,
3 typically when an EIR has been prepared and assesses the
4 certain level of impact and subsequently the level of impact
5 is within the range of the level that's been considered in
6 the prior EIR, the prior EIR is -- I mean, the EIR that has
7 been prepared is considered sufficient to describe that
8 impact.

9 COMMISSIONER MOORE: Let me go off on one of your
10 other points, and that is the idea of preparing another EIR
11 seems to me in the last few months the one thing I've been
12 getting drilled on again and again and again and again is
13 that this document is the moral equivalent of an EIR.

14 Have I been mishearing Mr. Therguson (phonetic) each
15 time he testified about that?

16 MR. RATLIFF: I forget the term. It's the
17 substantial equivalent.

18 COMMISSIONER MOORE: I didn't mean to bring morality
19 into it, but the functional equivalent.

20 And so just to recap, if a project is substantially
21 changed or if, in fact, you maintain that the project is not
22 the same one that was evaluated in the EIR, then you find
23 yourself in the exception, and the EIR that would be
24 prepared as a subsequent document, in fact, is accomplished
25 by the proceedings that we conduct here?

26 THE WITNESS: That's correct.

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1 COMMISSIONER MOORE: Thank you.

2 (Discussion off the record.)

3 HEARING OFFICER GEFTER: Is there further direct
4 testimony of Mr. Flores?

5 MR. RATLIFF: I don't believe so. I think you've
6 concluded your summary.

7 THE WITNESS: Yes.

8 HEARING OFFICER GEFTER: And is there
9 cross-examination of the witness?

10 MR. THOMPSON: No.

11 HEARING OFFICER GEFTER: From any of the parties?

12 The witness may be excused at this point. The
13 committee has questions from the representative from city of
14 Pittsburg, if applicant could like to bring that witness
15 forward again.

16 (A brief recess was taken.)

17 HEARING OFFICER GEFTER: Back on the record. The
18 committee has some questions for Mr. Valenzuela, if you
19 would be so kind as to be back on the witness stand and
20 remember you are under oath.

21 THE WITNESS: Sure.

22 BY COMMISSIONER MOORE:

23 Q. Let me pursue this same line, Mr. Valenzuela, and ask
24 have there been any negotiations with Posco about their land
25 at all, any discussions even about the possibility of a
26 route that would utilize the front of their properties?

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1 A. There have been some discussions. I was not privy to
2 those discussions, so I couldn't comment on them.

3 Q. Do you know what would be wrong with my probably
4 naive suggestion that a route was possible continuing down
5 the Pittsburg/Antioch Highway along East 14th Street and
6 simply turning right on Harbor eliminating the dog leg?

7 A. The problem with that is that you'd be turning off an
8 overpass and probably cause more wrecks than being able to
9 drive straight.

10 Q. In other words, the turn from East 14th Street onto
11 Harbor would involve a great separation, and that is
12 considered by your engineers to be unsafe?

13 A. Roughly about fifteen feet. That's about right.

14 Q. Let's assume that you were able to connect that great
15 separation with some sort of ramp eliminating the
16 fifteen-foot fall and probably a lot of insurance problems
17 along the way.

18 Now what would be wrong with that route?

19 A. Given the climb from Harbor, which would leave from
20 Pittsburg High School going down, you are running into some
21 serious problems with grades coming up and down. They are
22 not level at all.

23 Q. Those grades are demonstrably different than the
24 grade that's shown on this, the first part of the dog leg
25 going down to the Posco gate?

26 HEARING OFFICER GEFTER: You are talking about the --

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1 THE WITNESS: You are talking 14th going down.

2 BY COMMISSIONER MOORE:

3 Q. 14th going down to the Posco gate. The difference in

4 grades there is significantly flatter than the grade from

5 the intersection of 14th and Harbor down towards Santa Fe?

6 A. I'm looking at it from south to north, and those

7 grades would create problems.

8 Q. No. I'm asking you how the grades differ.

9 A. They are somewhat different.

10 Q. Significantly different?

11 A. I believe so. Not being an engineer but being a

12 planner, yes.

13 Q. And then the last question, I guess, goes to the idea

14 of whether or not there was a predisposition in the EIR that

15 was done, and I understand this predates your tenure on the

16 city staff.

17 But would it be your understanding that the EIR was

18 designed primarily to function in the arena where you had

19 tremendous increase in growth within what you term the

20 Central Addition?

21 A. I think that might be accurate; however, the majority

22 of the EIR for a truck route was being based on what was

23 anticipated to happen in the Harbor and industrial area.

24 COMMISSIONER MOORE: Thank you.

25 MR. RATLIFF: Commissioner, let me interject: I feel

26 like the character in Paul Simon's song "I want a second

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1 chance."

2 I think I misinformed you when I spoke to you earlier
3 about the ability for an agency to redo an EIR, and I'd like
4 to actually read and pull a section that I described to you
5 -- I tried to describe.

6 COMMISSIONER MOORE: Actually, Mr. Ratliff, my
7 original question wasn't whether we would redo an EIR. It
8 was whether or not we had to be bound by an EIR that was
9 done before if we determine that the project that we were
10 considering did not substantially fall under the auspices or
11 under the conclusions that were drawn in that EIR. I was
12 trying to make it as simple as I could.

13 MR. RATLIFF: Let me read the pulled text of the --

14 COMMISSIONER MOORE: I think we can let
15 Mr. Valenzuela go.

16 (Discussion off the record.)

17 MR. RATLIFF: I'll read it: "When an EIR has been
18 certified or a negative declaration adopted for a project,
19 no subsequent EIR shall be prepared for that project unless
20 the lead agency determines on the basis of substantial
21 evidence, in light of the whole record, one or more of the
22 following."

23 We were discussing two, and I'll read this too
24 because that's the change in circumstances provision which
25 we discussed as being applicable. It reads as follows:
26 "Substantial changes occur with respect to the circumstances

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1 under which the project is undertaken which will require
2 major revisions of the previous EIR or negative declaration
3 due to the involvement of the new significant environmental
4 effects or a substantial increase in the severity of
5 previously identified significant effects," which I think is
6 a much narrower exception than the way I described it to
7 you. I wanted to make sure I corrected it.

8 Then the comment goes on to enforce the requirements
9 of that exception as follows, it says: "This section
10 indicates a different intent, namely to restrict powers of
11 agencies by prohibiting them from requiring a subsequent or
12 supplemental EIR unless, quote, 'substantial changes in the
13 project or its circumstances would require major revisions
14 in the EIR.'

15 "That comes into play precisely because an in depth
16 review has already occurred, the time for challenging the
17 sufficiency of the EIR has long since expired, and the
18 question is whether circumstances have changed enough to
19 justify repeating a substantial proportion of the process."
20 I just wanted to read it in full.

21 COMMISSIONER MOORE: I understand. And I absolutely
22 accept what you just said. But we are, in fact, if I take
23 your previous comments constructing the equivalent of an EIR
24 here, we're doing it anyway, so we're not having to rewrite
25 a new EIR.

26 All I was trying to understand is were we bound by

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1 the information in that EIR in making our decision about the
2 nature of mitigations? That's obviously where I'm going.

3 MR. RATLIFF: And my answer to that would be yes
4 unless one of those exceptions applies, based on substantial
5 evidence in the record taken as a whole.

6 COMMISSIONER MOORE: Okay. That's part of what this
7 record taking is all about.

8 HEARING OFFICER GEFTER: I have a further question
9 for Mr. Valenzuela referring back to Commissioner Moore's
10 question about a truck route going along Pittsburg/Antioch
11 Highway and going into East 14th and then making a right
12 turn on Harbor, and you talked about a fifteen-foot drop.

13 If traffic continued along East 14th up to Solari
14 Street onto 10th, then onto Harbor, would the transition be
15 possible at that point?

16 MR. VALENZUELA: It's possible. I don't know if it's
17 recommendable, but it's possible.

18 HEARING OFFICER GEFTER: Are there any further
19 questions from Mr. -- do you have a question? Any further
20 questions from the committee? The applicant?

21 MR. THOMPSON: Just one.

22 BY MR. THOMPSON:

23 Q. Same question, Mr. Valenzuela: Are there residences
24 on Harbor between Santa Fe and the Pittsburg/Antioch Highway
25 and on 14th between Columbia and Harbor?

26 A. Yes.

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1 MR. THOMPSON: Thank you.

2 MR. RATLIFF: Could I ask one question also?

3 BY MR. RATLIFF:

4 Q. Mr. Valenzuela, is it still the city of Pittsburg's

5 position that the truck bypass route, as described in the

6 prior EIR, should be built?

7 A. The city manager at 4:00 o'clock today indicated

8 that's still the city's position.

9 COMMISSIONER MOORE: If it's okay, I would like to

10 ask Mr. Wehn a question, and he's previously been sworn.

11 BY COMMISSIONER MOORE:

12 Q. Mr. Wehn, are you aware of any discussions that took

13 place with Posco that might have involved your company or

14 your representatives to discuss the possibility of an

15 alternative route that would have utilized their properties

16 and perhaps eliminate a little bit of the dog leg that we're

17 dealing with here? Have any discussions taken place?

18 A. Yes, they have.

19 Q. And what were the results of those?

20 A. Well, almost in every case, except for the one that

21 we proposed, there are complications that exist. If you

22 were to go down Columbia Street and cross Columbia over the

23 railroad tracks, that's a major intersection problem, a

24 railroad problem. It is huge sums of money to try to

25 traverse that kind of obstruction.

26 So we looked at that alternative. We looked at the

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1 alternative of going along the south side of the railroad
2 tracks running over to Loveridge, but when you get to the
3 corner of Loveridge, there is a building, I believe it's a
4 recycling center, that leaves virtually no room for a
5 two-lane highway to go between the railroad track and the
6 recycling center, so that alternative that was proposed in
7 1992, I think, no longer prevails.

8 We looked at going through the Posco property along
9 3rd Street to Loveridge where the access gate is. I felt
10 personally that there's so much traffic within the USS/POSCO
11 area, that area of their land, that putting a road through
12 there -- the only way you can get a road through there is if
13 you tunnel through it because I'm not even sure an overpass
14 would make it because of all the tonnage coming off the
15 ships and being transported into the facility, so we
16 discounted that as an alternative.

17 We spent many hours trying to come up with different
18 ways that we could get from the 3rd Street out to the
19 Highway 4 and do it within a budget that everybody could
20 live with: Us, the city, or the industrial community along
21 3rd Street, and the proposal that we have presented in the
22 AFC is the best alternative we could come up with.

23 COMMISSIONER MOORE: Thank you.

24 HEARING OFFICER GEFTER: I have one further question
25 with respect to the 1991 EIR from city of Pittsburgh: Is
26 there a copy of that EIR in the record? Has it been

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1 docketed? And if not, would the applicant be able to
2 provide us with a copy?

3 MR. WEHN: Yes, we would.

4 MR. THOMPSON: We could, but I don't know. We could
5 sponsor it as an EIR that was done by the city but --

6 HEARING OFFICER GEFTER: That would be fine. We have
7 referred to it throughout all of the testimony on this
8 topic, and we need to have it in the record. So if
9 applicant would sponsor it just as it is.

10 MR. THOMPSON: We have not made many references to
11 that. It's been mostly --

12 MS. WHITE: Actually, I believe if it hasn't been
13 docketed -- if it hasn't already been docketed, it was
14 intended to be docketed.

15 MR. THOMPSON: I was going to say I would be
16 surprised if staff hasn't done it.

17 MS. WHITE: It should be there. It was not available
18 in such quantities as to be massively distributed to
19 everybody.

20 HEARING OFFICER GEFTER: Then what we will do is the
21 committee will ask staff to docket a copy of the EIR and
22 staff to sponsor it into the record as an exhibit, and we'll
23 --

24 MS. WHITE: If it's not already, this will be one.
25 We'll make sure a copy gets there.

26 HEARING OFFICER GEFTER: When we do our final

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1 housekeeping on the exhibits, we will identify the EIR for
2 the record. Thank you.

3 The witnesses may be excused.

4 Are there any other witnesses to be sponsored by any
5 party on the issue of traffic and transportation?

6 At this point we will take public comment from
7 members of the public, and as I mentioned earlier, we will
8 let each member of the public make your statements to the
9 committee, and the committee will consider your comments,
10 and if necessary, we will ask the parties if they can
11 respond.

12 At this point I know Mr. John Garcia wishes to speak
13 and Cecilia Blackwood wishes to speak. After that we will
14 ask for other people to come forward.

15 Mr. Garcia, please come forward. I want everyone to
16 remember that members of the public are not testifying.
17 This is not testimony. These are comments, and the comments
18 are addressed to the committee. Thank you.

19 MR. GARCIA: My name is John Garcia. I'm a resident
20 of Pittsburg. I'm speaking tonight as a resident not as an
21 official.

22 I have a problem with the linear park that was
23 discussed earlier. If you look at the map, you will find
24 Santa Fe Street runs east and west, then you have the empty
25 field where they plan on putting the bypass truck -- the
26 bypass road, then you have the railroad tracks.

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1 The children are going to play with a Frisbee on this
2 linear park. You still have people coming down Santa Fe and
3 then turning off on one of the side streets almost all the
4 way to Harbor Street, so when you say you are going to play
5 Frisbee on this linear park, I don't think so.

6 And so far as the lighting and landscaping tax, we
7 are overtaxed now. We have had to set up in the western
8 part of town by Bailey Road, they have their separate
9 lighting and landscaping tax because we've been overburdened
10 in the city. We cannot maintain what we have now. So when
11 you say that we're going to add this to the roles of the
12 landscape and lighting, we can't handle it.

13 The other thing I have is we're talking about the
14 walkway over the top of the truck route. How about these
15 poor handicap kids? How are they going to get over to this
16 parkway? Are we going to ignore these handicap children? I
17 walked this district here for a couple hours last week, two
18 to three hours, what about these handicap children that are
19 out there? How are they going to get over this walkway,
20 over the top of this truck route?

21 Then we talk about the park in the back. Has the
22 city put one point three million dollars aside to build this
23 parkway, this park that they say they are going to have by
24 the time this Enron plant is built? We don't know.

25 To my knowledge, I haven't, in any public meeting,
26 has the counsel, the planning commission, or anyone else in

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1 this community except for these committees from the Energy
2 Commission have ever discussed a bypass, a park, or
3 whatever. At the local level we have not discussed this.
4 It might be in the environmental impact report, but you know
5 how that goes when they do the environmental impact report,
6 there's one person in the audience that's involved and no
7 one ever shows up for it.

8 Now, last week myself, which I do not live in this
9 area, which is Central Addition, that covers Solari on the
10 west and on the east Columbia, which would be impacted the
11 most, and Santa Fe on the north, which will be impacted, and
12 East 14th Street.

13 This petition I'm going to hand you -- it's only a
14 copy. We're going to send the original to your committee in
15 Sacramento to the chairman. We've collected over a hundred
16 signatures in -- on Columbia Street and one block on 12th
17 Street and one block on 11th Street and the side streets
18 that go to Santa Fe Street. And of those signatures
19 collected in that area, we only had one woman and one couple
20 that didn't want to sign the petitions. All the rest of
21 them are opposed to the truck bypass as it outlined now.
22 We're totally opposed to it.

23 They've also stated they want Enron's negative impact
24 on their neighborhoods to build that park. So far as where
25 you come in with this bypass road, they could easily come in
26 on the -- if you look at your number four -- traffic and

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1 transportation figure four, if you look on East 14th Street,
2 the entrance to Columbia Steel, there's a stoplight there.
3 You can come in there -- pardon me. I'm sorry. Look at
4 number three, figure number three, if you would.

5 You see what they are proposing now to the left of
6 the Enron -- the Posco entrance where they go into Posco
7 there off the Pittsburgh/Antioch Highway? They are proposing
8 to go down -- I haven't measured it off -- about six hundred
9 feet or so? Nod if I'm right. Say six hundred feet and put
10 another stoplight there. Then you go a little further,
11 which is the length of thirty feet for the PG&E right-of-way
12 and a service station they have a three-way stop there.

13 We've talked to the residents in that neighborhood,
14 especially Columbia Street that's going to be impacted so
15 greatly so that it could possibly destroy that neighborhood
16 is to come in the Posco entrance. Do not change the
17 ballpark that they've wanted to change and turn it around
18 the opposite direction going on the right side of the park
19 and then cut across so you don't impact the people on
20 Columbia Street.

21 Those houses are only -- they've got thirty feet of
22 PG&E right-of-way between the backyards of these houses and
23 the PG&E right-of-way is thirty feet, then you want to put
24 this truck bypass.

25 Then they are saying if they build that park, how are
26 they going to go in? Posco is private property. The only

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1 way they can get in is by this walkway over the top? They
2 haven't even decided how they are going to get into the park
3 if they build that park.

4 We've had no input on this. The community has had no
5 input in this. We feel you should take out this bypass
6 totally. There would be less impact the way it is today
7 because if the routes that are designated now are not being
8 used, what's being used is the trucks come off of the
9 freeway on Railroad Avenue. They come all the way down
10 Railroad, go north on Railroad, then they go east on 10th
11 Street, and they go left on Harbor Street.

12 If they don't come that way they come down Willow
13 Pass Road into Bay Point and all the way down 10th Street to
14 Harbor Street. What you are going to do if you put this
15 bypass road behind these people's homes is you are going to
16 destroy that neighborhood.

17 At this time I'd like to submit, it's just a copy.
18 We will submit the other one, the actual signatures to the
19 Commission by mail.

20 HEARING OFFICER GEFTER: Thank you.

21 MR. GARCIA: I'd like to also say that Mr. Harris
22 lives in the neighborhood. He collected signatures. I
23 collected signatures, and Mr. Tony "Red" Harris collected
24 other signatures that live in that neighborhood. There's
25 two, and I don't live in that neighborhood. Thank you.

26 HEARING OFFICER GEFTER: I had a request from Cecilia

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1 Blackwood to speak after Mr. Garcia speaks. Please come
2 forward.

3 Please tell us your name and you who represent.

4 MS. BLACKWOOD: My name is Cecilia Blackwood, and I'm
5 the representative for the Central Addition Neighborhood on
6 the PPAC committee.

7 HEARING OFFICER GEFTER: Say what kind of committee
8 this is again.

9 MS. BLACKWOOD: It's the PPAC committee. It's the
10 advisory committee for this Enron project.

11 I have several things I'd like -- first of all, I
12 have a question for the gentleman that did the traffic
13 thing. You spoke of closure of Central and East 14th Street
14 after the bypass road was put in. I'm assuming, tell me if
15 I'm wrong, you are referring to trucks and not all traffic?

16 HEARING OFFICER GEFTER: Who are you addressing the
17 question --

18 MS. BLACKWOOD: This fellow right here.

19 HEARING OFFICER GEFTER: We'll take those questions
20 at the end of all your comments.

21 MS. BLACKWOOD: That's fine. I also would like to
22 let this committee know that in reference to the East 14th
23 route as a commute route for these trucks, we have people
24 that are saying that it's going to greatly impact this
25 neighborhood to have this bypass route put in.

26 If you run all those trucks down East 14th Street and

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1 onto Harbor Street or even over to Solari Street, you are
2 running those trucks within twenty feet of houses. At least
3 doing it the other way we have along Columbia, I believe
4 it's a hundred and twenty feet of greenbelt zone with that
5 twelve-foot sound wall in there and on Santa Fe we have
6 approximately sixty feet with the exception of where it dead
7 ends at the end of Santa Fe.

8 And maybe this will help. I don't know if I can show
9 you on this map I have or not. It's kind of a couple
10 things. Well, it's going to show -- can you hold this for
11 me?

12 Here's Columbia Avenue right here. Here's where the
13 proposed park is, and this is the bypass road. There's a
14 PG&E easement in behind these houses, which is approximately
15 fifteen- to twenty-feet wide.

16 HEARING OFFICER GEFTER: Where are the houses?

17 MS. BLACKWOOD: Behind Columbia. Then there's a
18 greenbelt area behind the PG&E easement is approximately a
19 hundred and twenty feet to the road.

20 HEARING OFFICER GEFTER: To the bypass road?

21 MS. BLACKWOOD: Hm-hmm. Now, if anybody knows
22 differently, please correct me.

23 You can't see Santa Fe from here, but when you get
24 around the corner of the bypass road to Santa Fe where they
25 are talking about the linear park, there's approximately
26 sixty feet the length of Santa Fe that runs between the

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1 sound wall and Santa Fe Street, with the exception of where
2 Santa Fe dead ends down at Harbor by the church.

3 So there's actually quite a bit of space, and Enron
4 has committed to make this area an extension of Central Park
5 for the neighborhood.

6 I can tell you I'm a firm believer in doing my
7 homework, and I've done a lot of outreach to the
8 neighborhood. Yesterday we had a community meeting in the
9 Central Addition. We had approximately three to four
10 hundred people there. We served about four hundred meals.
11 We asked the people of the Central Addition to vote on the
12 things they would like to see in their park, and we got a
13 very good response, almost a ten-percent response on our
14 ballots for that.

15 I heard from -- I was there the entire time and
16 talked to a lot of people, and I heard, basically, no
17 complaints about the bypass road or the park. I can also
18 tell you that going through my list of people, just the ones
19 that signed in yesterday, and we had about a hundred and ten
20 that signed in, just sitting there, I didn't finish it, but
21 there were two or three people from Santa Fe at this thing
22 yesterday. There were at least three people from Columbia
23 Street. There were one, two, three, four, five people from
24 12th Street, and one of the gals from East 12th Street
25 volunteered to be on this park committee to help design the
26 park, so I don't know where this information is coming that

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1 nobody along the outside area of our neighborhood is in
2 favor of this park or bypass road, but it's a bunch of
3 hoopla, and that's about the extent of it.

4 I would like this committee to just keep in mind if
5 you change that bypass road, and there is a proposed change
6 to it, and I have another map here. This map was drawn by
7 whoever proposed to change it. This is the existing
8 proposed road now as it comes around the corner, and this is
9 the park. If they change this road, we're going to have
10 several things happen. These red dots on this sheet
11 represent stoplights.

12 As it sets now, these trucks have one corner to
13 negotiate once they get on the bypass road, and the speed
14 limit on this road should be set so that these trucks don't
15 have to shift gears. If they do, they are speeding and they
16 should have a ticket.

17 You put three stoplights on here, and you are going
18 to have trucks shifting gears all over the place, not to
19 mention the fact that they are going to take a pretty good
20 chunk of our park, and it's only eight and a half acres to
21 begin with.

22 As far as the tax assessment goes, the people of the
23 Central Addition have been assessed taxes for many years for
24 upkeeps for every park in this town, and I think they've
25 pretty much paid their dues, if anybody wants to complain
26 about that. Thank you very much.

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1 HEARING OFFICER GEFTER: Thank you. I understand

2 there's another gentleman that would like to --

3 (Discussion off the record.)

4 MR. HARRIS: My name is George Harris. I live on 459
5 Hawthorn Street. I'm going to refer to the gentleman over
6 there. He's asking about East 14th Street going to Harbor
7 from there.

8 First thing is if you look at your map --

9 COMMISSIONER MOORE: Which map do you have?

10 MR. HARRIS: I have number three again. If you are
11 coming from east to the west, and if you notice that
12 crossover Harbor Street there? Harbor Street is an
13 underpass, you understand that? So we can't make another
14 grade there to go down to Harbor Street down to the
15 waterfront north; okay?

16 Now, if you continue and make that loop right there
17 that turn, that goes to Solari, there's a little section
18 there where I live about maybe, I would say, about the
19 middle of the block there right on Solari Street that makes
20 a loop there. And on these other legs that come out of on
21 14th Street there's Elm Street, Pine Street, Maple Street,
22 all these legs that come out. That wouldn't be a good idea
23 because they are right there.

24 Do you follow what I'm saying now?

25 COMMISSIONER MOORE: I do.

26 MR. HARRIS; now Mr. Garcia and I two days last week

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1 we walked Columbia Street and we talked to every individual
2 explaining about the park, about the bypass. And he sits on
3 the committee on this traffic committee, don't you,
4 Mr. Garcia?

5 MR. GARCIA: No. The same committee she sits on.

6 MR. HARRIS: Right. The first thing on Santa Fe,
7 there is supposed to be a berm. They eliminated that now
8 because it was going to cost too much money to bring in the
9 dirt to bring it the heighth they wanted. Now they want to
10 close off Santa Fe, come under the train trestle, make a
11 complete left turn, put a stoplight there, and make a
12 complete -- eighteen rigger, you have -- an eighteen
13 wheeler, you have to make quite a big swoop.

14 They are going to go into the Greek church. They are
15 going to close that entrance off so nobody can use Harbor
16 Street to go onto Santa Fe. I don't know if that was told
17 to you.

18 Now we go all the way down Santa Fe and come down to
19 the corner of Columbia Street. There's a house there,
20 couple houses that's close to a PG&E tower. These trucks
21 are supposed to be swoop around on a
22 thirty-five-mile-an-hour complete swoop turn to go down this
23 bypass that's going to come all the way down to 14th Street.

24 Now on that area there you have the property line of
25 the Columbia Street homes, you have a thirty-foot easement
26 of PG&E. Now they are supposed to put the wall there or the

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1 bypass, I don't know. I haven't gotten into that. But they
2 are supposed to put that road there.

3 Like Mr. Garcia said, we have a stop sign at the gas
4 station. Now you have thirty feet over, which is the corner
5 of the gas station, then thirty feet of PG&E right-of-way.
6 Now you are going to have another entrance, which is going
7 to cut into there, onto that highway, put another stoplight
8 there, then go another three hundred feet, and you have the
9 entrance to Posco with a stoplight.

10 We are already backing up with traffic. They are
11 taking over in the morning, going shortcuts through our
12 streets there because of what happened when we had the big
13 flood here on Highway 4, everybody had to go around, so they
14 used the whole entire city of Pittsburg to find routes to go
15 out of town to go to Antioch or wherever they are going to
16 go. That's a big issue right there, so now they got used to
17 those shortcuts, so they are using them steady now.

18 They are impacting my street where I live. I'm
19 having a hell of a time with the city trying to make no
20 right turn on Hawthorn Street, and we're going through a lot
21 of arguments about a lot of things.

22 Now, supposing this bypass does go in. Let's say it
23 does on East 14th Street and Old Highway 14 is not
24 reconstructed to pick up all this traffic six hundred fifty
25 trucks a day. We have a very narrow road. On the side of
26 the road is all dirt, and the trucks are pretty wide. They

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1 can force a car over or they can force themselves over to
2 get in there.

3 But if you have another couple big storms every year,
4 that gets flooded, where are these trucks going to go? How
5 are they going to get around? They have to go back the
6 other way, go on the freeway, come back down Railroad? You
7 can't get on California because you can't make a right turn,
8 and then coming from Buchanan Road on Harbor Street you
9 can't make a right turn. Then you can't go on California
10 because of the light poles. I can give you all kinds of
11 excuses.

12 Have you followed me what I've said so far?

13 COMMISSIONER MOORE: I have.

14 MR. HARRIS: That's where our problem is. I've been
15 talking with the city and Mr. Nasser to come up with another
16 alternative route. That's to say he's talked to Posco.
17 They have an entrance into their property from Highway 14,
18 make that into a four-lane, two coming in for their steel
19 mill workers, whatever they are. Have coming around from
20 Santa Fe move the road out into an S in front of their
21 buildings. One of the building, move that building, make it
22 an S turn, and come out into that existing light there.

23 That will not affect the ballpark, and you don't have
24 to have another entrance in there. You don't have to put
25 another stoplight, the city doesn't, I mean. You don't have
26 to have a walk ramp across the road because you don't need

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1 it. The S road can come to that area. You can have the
2 sound wall that follows that area where the kids can't get
3 into it and give you landscaping there and save a lot of
4 money besides.

5 That's what I'm trying to propose with the city, not
6 to eliminate the bypass. We're not against Enron's project.
7 All the concern and effort on this thing has been about the
8 bypass. No one has come before the planning commission or
9 council or anything. The city wants to enter into this
10 agreement or application. This is where the problem's been.
11 It's always the application. You can't do this. You can't
12 do that because if you do you'll stall the project.

13 Another thing I'm concerned with is the Enron
14 project, they are going into partners with the city of
15 Pittsburg. Isn't that a conflict towards Calpine? As far
16 as I'm concerned that's a conflict. How can they be
17 partners and have another project come in? I don't like
18 that. We already have four power plants in this city and
19 we're getting two more in. We're being attacked by power
20 plants in this city and nothing else is coming to this town.
21 No one is waking up. All they talk about is power plants.
22 You guys are the Commission. You say okay, you have to do
23 it. Thank you very much.

24 HEARING OFFICER GEFTER: Anyone else who wants to
25 make comments to the committee? Anyone else from the
26 public?

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1 Mr. Harris, I have a question for you. You were
2 talking about a proposal for a different design for the
3 bypass.

4 Do you have a picture of that? Thank you.

5 MR. HARRIS: Can I continue a little bit more?

6 (Discussion off the record.)

7 MS. BLACKWOOD: Just a couple more things here.

8 There is an eighty-eight-year-old woman who lives right on
9 the corner of where the trucks are going to turn on this
10 bypass road. She's on kidney dialysis. I have visited with
11 both she and her son, and I have visited with them together.
12 They are in favor of this project. Mrs. La Costa does not
13 want to sell her house. She does not want to move out of
14 her house, and this doesn't bother her a whole lot.

15 Enron and the city have committed to making this
16 woman comfortable, whatever it takes to make her comfortable
17 so she can stay in the house. She is an old woman, and I
18 don't blame her. I wouldn't want to leave at this late date
19 either.

20 I'm kind of surprised that for an elected city
21 official and two guys who sit on the planning commission
22 that nobody knows there's a 17th council meeting on the 17th
23 of May on the park.

24 And as far as the walkway going over to the park,
25 it's going to be a spiral walkway, so if you are in a
26 wheelchair, which I have been and as you can probably see

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1 I'm a fairly handicapped lady, you can get in and out of the
2 park. So it will be accessible to everyone, including us
3 handicapped people.

4 I would also like to request a copy of this petition
5 from this committee, and it's also been my understanding
6 that as far as the flood control situation on East 14th
7 Street, there have been several million dollars taken from
8 another project in the city to do the flood control project
9 on East 14th Street to eliminate that problem once the
10 bypass road comes in. And we'll talk about the conflict
11 later.

12 HEARING OFFICER GEFTER: Thank you. Is there anyone
13 else who has a comment? Yes.

14 MR. GARCIA: Since she mentioned me in her comments.

15 HEARING OFFICER GEFTER: State your name.

16 MR. GARCIA: I'm Jack Garcia, but I'm not hear as a
17 planning commissioner. As a matter of fact, I'm chairman of
18 the planning commission. I sat on the planning commission
19 when the EIR was done on this bypass. The EIR was approved.
20 It was the cheapest of all the projects. It was not the
21 best bypass. The bypasses range from thirty-five million to
22 low nineteen million. I didn't see the representative from
23 Central Addition there at the time that we approved the EIR.

24 One of the problems that I'm having, and I didn't
25 intend to speak again, is she showed you a drawing. She
26 claims that there's all of this going to happen, but the

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1 final drawing hasn't been done. She has it. Nobody else
2 has it. The planning commission hasn't seen it. The city
3 council hasn't seen it. I don't think the engineering
4 department has seen it finalized. This bypass is not
5 finalized.

6 I know that there has been negotiations with Posco
7 because I've talked to the representative at Posco. They
8 have said that they would be willing to look at an
9 alternative as far as the exit onto Highway 4 because it
10 doesn't make sense if you are designing a road that you
11 would have Columbia Avenue, you are stopping. You have
12 about two hundred feet maximum probably to the next
13 intersection, which will be the bypass, and within four
14 hundred feet you have another stop. Even the trucks will
15 have to stop twice.

16 COMMISSIONER ROHY: Excuse me. You said Highway 4.

17 MR. GARCIA: Old Highway 4, Antioch/Pittsburg
18 Highway.

19 And as far as the flooding, as I understand it, yes
20 we're going to correct the problem with flooding new Highway
21 4, but whether it resolves the problem on old Highway 4 is
22 not known at this time because there's only five point seven
23 million and the city needs something like eleven million to
24 resolve that problem. And even under normal rains, Highway
25 4, the old Highway 4 Antioch/Pittsburg Highway closes every
26 year. Whether there's El Nino, El Nina, just normal rains.

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1 Two or three times a year it shuts down, and the employees
2 of USS/POSCO have to go around as far as they can to get
3 into their own jobs, so that is a problem.

4 There's no shoulder on that particular road, and
5 unless they improve that, it will probably crumble under the
6 weight of the new trucks that are going there because not
7 many trucks use it at this time.

8 Nobody is arguing about the project. We understand
9 that Enron doesn't particularly care to build the bypass,
10 which I wouldn't blame them. Why spend the extra money, but
11 the city of Pittsburg is insisting, and they have listened
12 to the residents so far, and we're just asking -- and I
13 think the citizens of Central Addition and the citizens of
14 Pittsburg are just asking that they look at an alternative
15 to this bypass.

16 COMMISSIONER ROHY: Thank you.

17 HEARING OFFICER GEFTER: We're going to take a break
18 now because the reporter needs to take a break. We'll take
19 your comments later.

20 (A brief recess was taken.)

21 HEARING OFFICER GEFTER: We're back on the record.

22 Does anyone else have any comments this evening
23 before we close?

24 We thank you very much for all of your comments and
25 for everyone staying as late as it is. The hearing is
26 adjourned until 9:00 o'clock tomorrow morning at Buchanan

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1 Park Community Center.

2 (Whereupon the hearing

3 concluded at 9:40 p.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I, KELI RUTHERDALE, a Certified Shorthand
Reporter licensed by the State of California, and empowered
to administer oaths and affirmations pursuant to Section
2093(b) of the Code of Civil Procedure, do hereby certify:

That the said proceedings were recorded
stenographically by me and were thereafter transcribed by me
via computer-assisted transcription;

That the foregoing transcript is a true record
of the proceedings which then and there took place;

That I am a disinterested person to said
action.

IN WITNESS WHEREOF, I have subscribed my name
on May 10th, 1999.

KELI RUTHERDALE
Certified Shorthand Reporter #10084

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